



RECEIVED
JAN 10 1997
OCCUPATIONAL LICENSES

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

January 9, 1997

COPY

James D. Coles, President
Design West Architects, PA
The Hoff Building
802 W. Bannock, Suite 400
Boise, ID 83702

Re: Request for Information

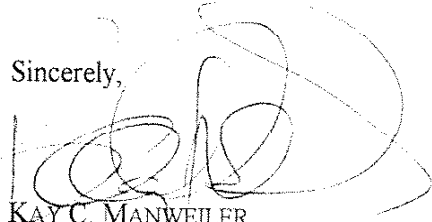
Dear Mr. Coles:

Your recent request for information concerning Terry E. Friis has been referred to me for response.

On behalf of the Idaho State Board of Architect Examiners, I have reviewed the pleading file concerning Mr. Friis. Enclosed you will find a copy of the Consent Order which was entered in connection with the Idaho Board's revocation of Mr. Friis' license. The Stipulation contained in that document sets forth the grounds for the revocation.

If, following your review of the enclosed information, you have any additional questions, please don't hesitate to call.

Sincerely,


KAY C. MANWEILER
Deputy Attorney General
Bureau of Occupational Licenses
Contracts & Administrative Law Division

KCM:blm

Enc.

RECEIVED

JAN 10 1996

OCCUPATIONAL LICENSES

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

TERRY EDWIN FRIIS.

Plaintiff,

vs.

IDAHO BOARD OF ARCHITECTURAL
EXAMINERS,

Defendants.

FILED
A.M. P.M. 4:06

JAN 03 1996

DAVID NAVARRO, CLERK
BY *Melissa Ray*
DEPUTY

Case No. CVOC-95-06365*D

ORDER DENYING MOTION
FOR RECONSIDERATION

Plaintiff may pursue the matter if he wishes; however, since I am concluding there is no merit to petitioner's argument, there is no reason to expect the taxpayers of Idaho to pay the costs. The motion for reconsideration of the order denying the application for waiver of fees and costs is denied.

Dated this 8th day of January, 1996.

D. Duff McKee
D. Duff McKee, District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 04 day of January, 1996,
I mailed (served) a true and correct copy of the within
instrument to:

TERRY E FRIIS 979130
COYOTE RIDGE CORRECTIONS CENTER
P O BOX 769 CAMAS D8
CONNELL WA 99326-0769

KAY MANWEILER
OCC LICENSES
1109 MAIN ST STE 220
BOISE ID 83702

J. DAVID NAVARRO
Clerk of the District Court

By: Melissa Bram
Deputy Court Clerk

THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE STATE OF IDAHO, ADA COUNTY JURISDICTION

State of Idaho)
Board of Architectural Examiners,)
Plaintiff,)
v.)
Terry Edwin Friis,)
Licensee/Defendant / Petitioner.)
Revocation of License to Practice
as an Architect
Consent Order
Case No. AR-01-93-012
Petition for Review
Motion & Order to Proceed
In Forma Pauperis

I. MOTION

Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se, hereby moves the Court for an Order to Proceed In Forma Pauperis in the above named cause, due to his indigency and inability to pay for all Court costs and fees associated with the Petition for Review by the Fourth District Court.

II. BASIS

Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se, is currently unemployed and completing court imposed custody requirements in the State of Washington, under the supervision of the Department of Corrections for said state.

III. ORDER

It is hereby Ordered that Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se, will be allowed to proceed in forma pauperis in this cause, waiving all costs and fees associated with all forthcoming proceedings in this matter.

DATED this 4th day of December, 1995.

Presented By:

Terry Edwin Friis
Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se

DATED this _____ day of _____, 19__.

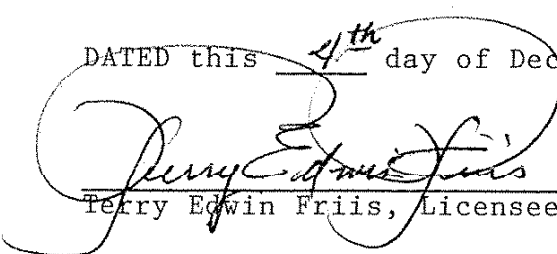
Presiding Judge

State of Idaho)
Board of Architectural Examiners,)
Plaintiff,) Revocation of License to
) Practice as an Architect
v.) Consent Order
) Case No. AR-01-93-012
Terry Edwin Friis,)
Licensee/Defendant/Petitioner.) **Petition for Review**
)

1. I am the Licensee/Defendant/Petitioner, Pro Se in Case No. AR-01-93-012.
2. My date of birth is January 6, 1948.
3. My Idaho Architect's License is No. AR-868.
4. My state of residence is Washington.
5. My current address is in care of the Coyote Ridge Corrections Center, P.O. Box 769, Camas D8, Connell, Washington 99326-0769.
6. I was the defendant in Federal Eastern District Cause No. CR-88-030-S, and successfully completed all requirements of the judgment and sentence, prior to revocation of my Idaho Architects License, No. AR-868.
7. I was the defendant in Spokane County Superior Court Cause No.'s 90-1-00691-4 and 91-1-00150-3, and successfully completed all requirements of the judgment and sentence, in both causes, prior to revocation of my Idaho Architects License, No. AR-868.
8. The Idaho State Board of Architects revoked my license to practice as an Architect on May 9, 1994, through the adoption and issuance of Consent Order, Case No. AR-01-93-012.
9. On August 21, 1995, I submitted a formal Request for Reinstatement of my license to practice as an Architect to the State of Idaho Board of Architectural Examiners.
10. The Idaho Board of Architectural Examiners acknowledged receipt of my formal request for reinstatement, through the Office of the Attorney General for the State of Idaho, on August 30, 1995, advising that the Board would review my request during the regular session on Sept. 8, 1995.

11. The Idaho Board of Architectural Examiners issued a formal letter denying my request for reinstatement, on or about September 2, 1995, on the basis that I had voluntarily entered into the Consent Order issued on May 9, 1994 as a part of a negotiated settlement of a disciplinary matter. It should be noted that I do not have a copy of this letter, as it was forwarded to my home address in Spokane, Washington, rather than to my current mailing address.
12. On October 30, 1995, I submitted a Formal Request for Reconsideration of Reinstatement of my Idaho Architects License, No. AR-868, to the Board of Architectural Examiners for the State of Idaho.
13. The Idaho Board of Architectural Examiners issued a final Order on Petition for Reconsideration, Case No. AR-01-93-012, on November 8, 1995, denying my request for reinstatement, and noting this decision to be a final agency action.
14. Pursuant to Idaho Code §67-5270-§67-5279, I am formally requesting the final decision of the Idaho Board of Architectural Examiners be review by the Fourth Judicial District Court, in and for the State of Idaho, Ada County Jurisdiction.
15. Pursuant to Idaho Code §67-5271, all administrative remedies have been exhausted in this Case No. AR-01-93-012.
16. The Idaho Board of Architectural Examiners, by and through the civil administrative agency action revoking my license to practice as an Architect in Case No. AR-01-93-012, has violated my constitutional right to protection against multiple punishments for the same offense, as provided for in the 5th Amendment of the United States Constitution.
17. The attached Memorandum in Support of the Petition for Review sets forth the basis in law for the requested relief, and clearly establishes the grounds for reinstatement of my Idaho Architects License, No. AR-868.

DATED this 4th day of December, 1995.


Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se

THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE STATE OF IDAHO, ADA COUNTY JURISDICTION

State of Idaho)	
Board of Architectural Examiners,)	
Plaintiff,	)	Revocation of License to
	)	Practice as an Architect
v.	)	Consent Order
	)	Case No. AR-01-93-012
Terry Edwin Friis,)	
Licensee/Defendant/Petitioner.	)	Memorandum in Support of
	)	Petition for Review

I. INTRODUCTION

This matter comes before the Court in accordance with the provisions of Idaho Code §67-5270 through §67-5279, which provides for judicial review of the agency action in Case No. AR-01-93-012, wherein the Idaho State Board of Architectural Examiners issued a final order denying the reinstatement of Terry Edwin Friis' license to practice as an Architect, No. AR-868, which was originally revoked by Consent Order on May 9, 1994.

The Court is hereby formally requested to grant Mr. Friis' Petition for Review of the Final Order on Petition for Reconsideration of Reinstatement of Licensure, and the actions of the Idaho Board of Architectural Examiners in Case No. AR-01-93-012.

The basis for the review is supported and provided for by law, as so stated hereinbefore, and is further predicated upon the State of Idaho's violation of Mr. Friis' constitutional protection against the imposition of multiple punishments for the same offense, which constitutes double jeopardy.

II. STATEMENT OF FACTS

I was the defendant in Federal Eastern District Cause No. CR-88-030-S, and successfully completed all requirements of the judgment and sentence, prior to the revocation of my Idaho Architects License No. AR-868.

I was the defendant in Spokane County Superior Court Cause No.'s 90-1-00691-4 and 91-1-00150-3, and successfully completed all requirements of the judgment and sentence, prior to the revocation of my Idaho Architects License No. AR-868

The Idaho State Board of Architects revoked my license to practice as an Architect on May 9, 1994, through the adoption and issuance of Consent Order, signed by the Chairman of the Board, in Case No. AR-01-93-012. As the respondent, I signed this order on May 16, 1994. Voluntary participation in this action waived my right to have a complete and full hearing, however it did not preclude my constitutional protections against double jeopardy.

On August 21, 1995, Mr. Friis submitted a Formal Request for Reinstatement of his Architects License No. AR-868 to the Idaho Board of Architectural Examiners.

On August 30, 1995 the Idaho Board of Architectural Examiners issued formal acknowledgement of my request for reinstatement, by and through the Idaho Attorney General, advising that the Board would review my request during the September 8, 1995 regular session.

On or about September 2, 1995 the Idaho Board of Architectural Examiners issued a formal letter denying my initial request for reinstatement of my Architects License No. AR-868, indicating that I had voluntarily entered into to the Consent Order, dated May 9, 1994, as a part of a negotiated settlement of a disciplinary matter. I do not have a copy of this letter, in that it was forwarded to my home address, rather than my current mailing address.

On October 30, 1995, Mr. Friis submitted a Formal Request for Reconsideration of Reinstatement of Architects License No. AR-868 to the Idaho Board of Architectural Examiners for further review, based upon the merits of my arguments outlined therein.

On November 8, 1995 the Idaho Board of Architectural Examiners issued a Final Order on Petition for Reconsideration, denying Mr. Friis' request for reinstatement of Idaho Architects License No. AR-868.

On November 20, 1995 Mr. Friis submitted a Notice of Intent to Appeal the decision of the Idaho Board of Architectural Examiners in Case No. AR-01-93-012 through the Idaho Attorney General, and formally requested information outlining procedures necessary to seek judicial review of the Board's final agency action in this case.

On November 27, 1995 the Idaho Attorney General forwarded the information outlining procedures associated with the judicial review of the Idaho Board of Architectural Examiners final agency action to Mr. Friis, including photocopies of the Idaho Code §67-5270 through §67-5279.

III. DISCUSSION

The double jeopardy clause of the 5th Amendment of the USCA protects against three (3) distinct abuses: a second prosecution for the same offense after acquittal; a second prosecution for the same offense after conviction; and multiple punishments for the same offense. United States v. Halper, 490 U.S. 435, 440 (1989). The last of these protections-the one at here-implicates the core of the double jeopardy clause, for the prohibition against multiple punishments is a principle deeply ingrained in the Anglo-American system of jurisprudence, and, in fact, traces its' roots far into Greek and Roman times. See United States v. \$405,089.23 U.S. Currency, No. 93-55947, slip op., F3d , 1994 WL 476736 at *1, *2, *3, (9th Cir. Sept. 6, 1994); see also Halper, 490 U.S. at 440 citing Ex Parte Lange, 18 Wall 163, 168 (1874). The prohibition against multiple punishments, however, is only triggered where the government seeks to impose the punishments in seperate proceedings. Halper, 490 U.S. at 450.

The month of September, 1994 saw several different cases that radically changed the state of forfeiture law and the concept of "punishment" within the Ninth Circuit. See United States v. One 1978 Piper Cherokee Aircraft, No. 92-15350, slip op., ___ F.3d ___, 1994 WL 528447 (9th Cir. Sept. 30, 1994); United States v. \$405,089.23 U.S. Currency, No. 93-55947, slip op., ___ F.3d ___, 1994 WL 476736 (9th Cir. Sept. 6, 1994); Quinones-Ruiz v. United States, No. 94-0050-IEG (BTM), slip op., ___ F. Supp. ___, 1994 WL 531313 (S.D. Cal. Sept. 23, 1994); United States v. McCaslin, No. CR-90-165WD, slip op., ___ F. Supp. ___, 1994 WL 494764 (W.D. Wash. Sept. 6, 1994). The 9th Circuit Courts' recent position, however, was foreshadowed by the Supreme Courts' decisions in United States v. Halper, 490 U.S. 435 (1989) and United States v. Austin, ___ U.S. ___, 113 S. Ct. 2801 (1993). In Halper, the Supreme Court held that, under the double jeopardy clause, a defendant who has already been punished in a criminal prosecution may not be subjected to an additional civil sanction to the extent that the second sanction cannot be fairly be characterized as remedial, but only as a deterrent or retribution. Id. at 448-49. The Supreme Court extended the rationale of Halper to a civil forfeiture action brought under 21 U.S.C. §881(a)(7) in United States v. Austin. Austin 113 S. Ct. 2801, 125 L. Ed. 2d 488 (1993) the Supreme Court considered the general question of whether the excessive fines clause of the 8th Amendment applied "in rem" forfeitures of property (of) under 21 U.S.C. § 881 (a)(7) and (a)(4). Id. at 2803. As a part of this question, the Court also addressed the specific sub-issue of whether civil "in rem" forfeiture action could be considered punishment, Id. at 2810. The 9th Circuit affirmed the proposition that civil "in rem" forfeiture action constitutes punishment for purposes of double jeopardy. See \$405,089.23 U.S. Currency, slip op., 1994 WL 476736 at *1.

In the face of Austin, Halper and \$405,089.23 U.S. Currency, the Fourth Judicial District Court for the State of Idaho should, just as the Supreme Court has, and most recently as the U.S. Eastern District Court has, in written opinion for U.S. v. Oakes, (Oct. 21, 1994), have no choice but to conclude that civil forfeiture constitutes punishment. Implicit in this conclusion must be the finding that the civil forfeiture of Mr. Friis' personal property, in the form of his professional license to practice as an Architect in the State of Idaho, in addition to his criminal prosecution and subsequent sentencing in before-noted causes referenced in Section II, violated his 5th Amendment protection against multiple punishments for the same offense.

IV. CONCLUSION

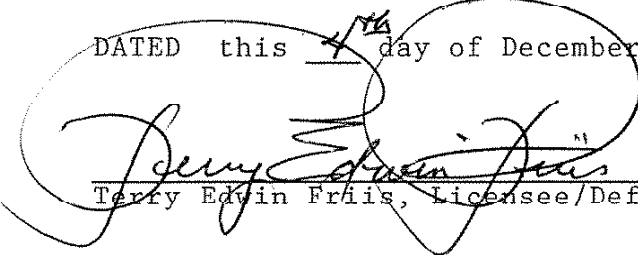
The revocation of Mr. Friis' license to practice as an Architect in the State of Idaho was a separate civil agency action brought about as a result of the prior criminal convictions in noted cases referenced in Section II. This action constitutes a deterrent, retributive, punishment and clearly violates Mr. Friis' constitutional protection against multiple punishments for the same offense. 4

Upon review of the compelling facts and issues in this matter, substantial basis in law exists to support a request that the action of the Idaho Board of Architectural Examiners be set aside, in whole, and remanded for reinstatement by the Board, in accordance with the requests outlined in previous petitions for reinstatement.

In accordance with Idaho Code §67-5270 through §67-5279, the Court must find that the agency's findings, inferences, conclusions, and decisions are in violation of constitutional provisions of law. In so being, the final order of the Idaho Board of Architectural Examiners, denying the request for reinstatement of Mr. Friis' Idaho Architects License No. AR-868, **must be set aside**, and any further delay in obtaining a prompt determination of the issues would be detrimental to Mr. Friis, as well as the public interest. Furthermore, the constitutional arguments concerning multiple punishments for the same offense will have significant precedential value, as the actions of the Idaho Board of Architectural Examiners, coupled with those of the Idaho Attorney General's office, exceed the limits of their constitutional authority, and violate Mr. Friis' protection from the imposition of multiple punishments for the same offense, which constitutes **double jeopardy**.

Therefore, there is both basis and cause for the Fourth Judicial District Court for the State of Idaho to enter a favorable finding in support of the Petition for Review, attached hereto and made a part hereof.

DATED this 4th day of December, 1995.


Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se



STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642
(208) 334-3233

November 9, 1995

Terry Edwin Friis 979130
C/O Coyote Ridge Correction Center
P. O. Box 769, Camas D8
Connell, WA 99326-0769

Re: Request for Reconsideration

Dear Mr. Friis:

Your recent request for reconsideration has been received and reviewed.

Neither Ms. McKay nor I have any independent jurisdiction or authority with which to address your request for reconsideration of the Board's action. The Board retains the sole authority with respect to such decisions. Your petition was referred to the Board and it met in regular session yesterday, November 8, 1995.

Enclosed is an Order of the Board, denying your Petition for Reconsideration. The Order also clearly indicates your rights with respect to seeking a judicial appeal.

Sincerely,

Kay C. Manweiler
Deputy Attorney General

kcm
enclosure

BEFORE THE IDAHO BOARD OF ARCHITECTURAL EXAMINERS

In the matter of the)
licensure of:)
)
TERRY EDWIN FRIIS,)
License No. AR-868,)
Respondent.)

ORDER ON PETITION FOR
RECONSIDERATION
CASE NO. AR-01-93-012

RESPONDENT Terry Edwin Friis' Petition for Reconsideration was presented to the Idaho State Board of Architectural Examiners (hereinafter "Board") on the 8th day of November, 1995. Members of the Board hearing and deciding the Petition were Ronald D. Bevans, Tom Zabala, James D. McLaughlin, Ernest Lombard, Raymond K. Hudson, and R. G. Nelson.

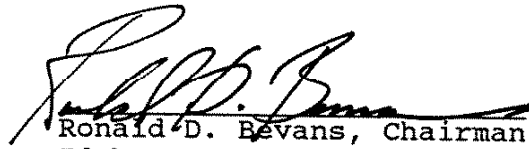
Based on its review of the matters asserted in the Petition for Reconsideration and good cause appearing therefore,

IT IS HEREBY ORDERED AND THIS DOES ORDER that the Petition for Reconsideration of Respondent Terry Edwin Friis is hereby DENIED.

This denial is a final agency action within the meaning of Section 67-5246, Idaho Code. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, Respondent Friis is entitled to seek judicial review of this Order by filing a petition in the district court of the county in which the hearing was held, the final agency action was taken, the party seeking review of the agency action resides, or the real property or personal property that was the subject of the agency action is located. Such a petition must be filed within twenty-eight (28) days of the service date of the final order or within twenty-eight (28) days of the denial of the petition for reconsideration.

The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this 8th day of November, 1995.


Ronald D. Bevans, Chairman
Idaho Board of Architectural
Examiners

October 30, 1995

RECEIVED
NOV 02 1995
OCCUPATIONAL LICENSES

State of Idaho
Bureau of Occupational Licenses
Owyhee Plaza
Suite 220
Boise, Idaho 83702-5642

Attn: Kay C. Manweiller,
Deputy Attorney General
Nicole S. McKay,
Board of Architects Representative

Re: Reconsideration of Request for Reinstatement
State of Idaho Board of Architects
License of Terry Edwin Friis AR-868
Case No. AR-01-93-012

Dear Ms. Manweiller & Ms. McKay:

Pursuant to the above referenced matter, I am formally submitting this request for reconsideration of the Board's recent decision denying reinstatement of my license to practice as an Architect in the State of Idaho.

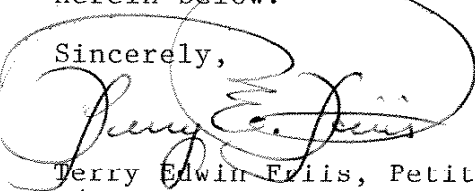
The premise that I am precluded from the protections afforded under the 5th Amendment, barring double jeopardy and multiple punishments for the same offense, is not supported by recent rulings of the U.S. Supreme Court. Revocation is both retributive and deterrent punishment, irrespective of the fact that I entered into a Consent Order voluntarily.

It has been the position of both the Ninth Circuit Court of Appeals, and the U.S. Supreme Court, that forfeitures which are not solely remedial are barred by provisions set forth in the 5th Amendment of the U.S.C.A. They must be brought in the same proceeding as the original case and based upon the same conduct. If not, the government must choose between the forfeiture and the prosecution. The Halper/Austin/Kurth Ranch decisions are being applied retroactively. Those who have had their property taken, which is the case with my license, and have also been punished with terms of incarceration have a right to seek relief: Either vacation of their sentences or return of their property. I am asking that my property be returned. Therefore, the State of Idaho must meet its' obligations mandated under Constitutional Law and reinstate my professional license to practice as an Architect in the State of Idaho.

Your further, careful, and diligent review of this matter is necessary to ensure that the protections afforded under the U.S. Constitution are not violated to any greater degree in this case, and that the restoration of my license is carried out post haste, without subsequent conditions imposed.

Thank you for your continued cooperation. I will look forward to your timely and favorable reply. Please direct all future formal response in this matter to the address noted herein below.

Sincerely,


Terry Edwin Ellis, Petitioner, Licensee *979130
c/o Coyote Ridge Correction Center
P.O. Box 769, Camas D8, 979130
Connell, WA 99326-0769

cc: File
Attorney

RECEIVED

SEP 27 1995

OCCUPATIONAL LICENSES

BEFORE THE IDAHO BOARD OF ARCHITECTURAL EXAMINERS

In the matter of the)				
licensure of:	)	ORDER	ON	PETITION	FOR
	)	REINSTATEMENT			
TERRY EDWIN FRIIS,	)	CASE NO. AR-01-93-012			
License No. AR-868,)				
<u>Respondent</u>)				

RESPONDENT Terry Edwin Friis' Petition for Reinstatement was presented to the Idaho State Board of Architectural Examiners (hereinafter "Board") on the 8th day of September, 1995. Members of the Board hearing and deciding the Petition were Ronald D. Bevans, Tom Zabala, James D. McLaughlin, Ernest Lombard, Raymond K. Hudson, and R. G. Nelson. The Board, having considered the matters and authorities asserted by Respondent as well as the matters set forth in the complaint and the accompanying file materials, and good cause appearing therefore, now issues the following:

PROCEDURAL HISTORY

On May 16, 1994, the Idaho Board of Architectural Examiners was presented with a stipulation and proposed consent order in the matter of Terry E. Friis, License No. AR-868. According to the terms of the stipulation, Respondent Friis acknowledged the jurisdiction of the Idaho State Board of Examiners, his licensure by the Idaho Board, and his criminal convictions in the state of Washington. Respondent Friis also acknowledged that the Washington State Board of Registration for Architects had revoked his certificate of registration to practice as an architect in that state for a period of not less than 8 years based on his criminal convictions there.

The Stipulation acknowledged the Idaho Board's authority to revoke any license it had issued for specific reasons. One of those reasons was the licensee's conviction of a felony or of a misdemeanor which involved a willful violation of state or local building codes or a violation of other laws relating to the public health and safety which were committed in the course of practicing architecture. Idaho Code Section 54-305(1)(d).

Respondent's Washington state convictions constituted violations of Idaho Code Section 54-305(1)(d). Accordingly, Respondent acquiesced in the Idaho Board's entry of a Consent Order

Friis/order, page 2.

whereby his license to practice as a licensed architect in the state of Idaho was revoked for a period of not less than seven years. That Order was entered June 7, 1994.

DISCUSSION

Respondent has petitioned for reinstatement of his Idaho license. This Petition is within the jurisdiction of the Idaho State Board of Architect Examiners. In support of his Petition, Respondent Friis contends that the Idaho Board's entry of its Consent Order of June 7, 1994 constituted a violation of the double jeopardy clause of the United States Constitution by virtue of the then-existing United States Supreme Court decision in U. S. v. Halper, 490 U.S. 435, 104 L.Ed.2d 487, 109 S.Ct. 1892 (1989). We do not agree.

The Halper Court determined that it was impermissible for one governmental entity to seek multiple punishments (both criminal and civil) against an individual based on the same set of facts. Such an activity, the Court concluded, would violate the individual's rights under the Double Jeopardy Clause of the United States Constitution.

In Halper the federal government prosecuted Halper for violations of a criminal false-claims statute: he was sentenced to imprisonment and fined. The government subsequently sued Halper under a civil statute and was awarded by imposition of additional penalties against him based on the same activities. On appeal, the U. S. Supreme Court determined the second prosecution to constitute an impermissible multiple punishment as it was intended primarily for the purpose of penalizing the individual. Such a multiple punishment, the Court determined, constituted a violation of the double jeopardy clause.

To prevail under the Halper decision, Friis must demonstrate that he has been subjected to impermissible dual punishments and that the punishments were inflicted by the same sovereign. He cannot do so.

Friis was originally punished in the state of Washington for a violation of its criminal code of conduct. He was then punished by the Washington architectural registration board for violating the terms and conditions of his architectural licensure. Subsequent prosecution, by the Idaho Board, for violation of the terms of his Idaho licensure, does not meet the threshold requirement of a dual or multiple prosecution by the same sovereign because the Idaho regulatory board's jurisdiction and obligations are separate and distinct from the Washington state authorities.

Because the disciplinary activities of regulatory boards are for the primary purpose of protecting the public and not as a means of punishing the licensee, disciplinary activities based on

Friis/order, page 3.

criminal convictions under separate state statutes do not violate the double jeopardy clause and its prohibition of multiple punishments. Loui v. Board of Medical Examiners, 889 P.2d 705 (Hawaii 1995). Consequently, the Idaho regulatory board's imposition of a disciplinary sanction, based on Friis' conviction of a crime under a separate criminal provision, be a civil penalty sufficient to constitute a "punishment" for purposes of the double jeopardy clause.


Accordingly,

IT IS HEREBY ORDERED AND THIS DOES ORDER, that RESPONDENT Terry Edwin Friis' Petition for Reinstatement of Licensure is hereby DENIED.

This denial is a final agency action within the meaning of Section 67-5246, Idaho Code. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, Respondent Friis is entitled to seek review of this order by filing a petition in the district court of Ada county within twenty-eight (28) days of the service date of this final order of denial of Petition for Reinstatement. See section 67-5273, Idaho Code.

The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this 27 day of September, 1995.


Ronald D. Bevans, Chairman
Idaho Board of Architectural
Examiners



STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642
(208) 334-3233
FAX (208) 334-3945

August 30, 1995

Terry Edwin Friis 979130
P. O. Box C
Medical Lake, WA 99022

Re: Request for Reinstatement of Licensure

Dear Mr. Friis:

On behalf of the Idaho State Board of Architect Examiners, I am writing to acknowledge receipt of your recent petition for reinstatement of licensure. Our records indicate that your license to practice was revoked, with your consent, as a part of a negotiated settlement of a disciplinary matter.

The Board will meet in regular session on Friday, September 8, 1995. At that time, I anticipate that the members will review the matters contained in your petition.

Once the members have arrived at a decision, an appropriate order will be issued.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kay C. Manweiler".

Kay C. Manweiler
Deputy Attorney General

kcm

In the Matter of the License)
to Practice as an Architect) No. 90-07-0701 AR
of:)
TERRY E. FRIIS,)
)
Licensee.)
_____)

I. STIPULATION

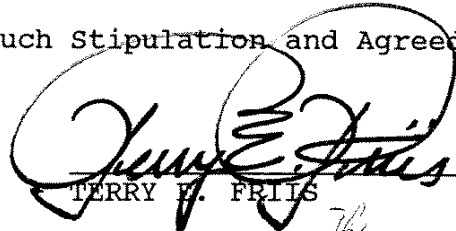
- STIPULATION AND AGREED ORDER 1-

5. The licensee wishes to expedite the resolution of this matter by means of this Stipulation and the following Agreed Order, and does not desire to proceed to a formal hearing based on the Statement of Charges. The licensee fully understands the allegations involved herein.

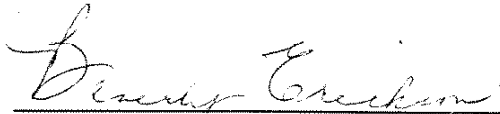
STIPULATED AND AGREED TO:

///

I hereby certify that I have read this Stipulation and Agreed Order in its entirety, I fully understand all of the same and hereby voluntarily enter into such Stipulation and Agreed Order.


TERRY F. FRIIS

SUBSCRIBED AND SWORN TO before me this 12th day of April, 1993.


NOTARY PUBLIC in and for the
state of Washington.
My commission expires:
12/15/96

BASED upon the foregoing Stipulation, the parties hereby agree to the following:

II. AGREED ORDER

The licensee stipulates and agrees to the following terms and conditions:

1. That the certificate of registration to practice as an architect in the state of Washington of the licensee is revoked for a period of not less than eight (8) years from the date of notification to the licensee of the Board's acceptance of this Stipulation and Agreed order.

2. That at the end of the period of revocation the licensee may apply to the Board for reinstatement of his license pursuant to the following conditions:

- a) The licensee appear before the Board and respond to their questions.
- b) The Board may impose additional conditions after

questioning the licensee.

c) The Board may require the licensee to retake and pass all or part of the architecture registration examination.

d) Upon the restoration of his architecture license without any restrictions or conditions by the Board, the licensee may petition for termination of the proceeding.

3. That the Board shall not be precluded from investigating any complaints or allegations regarding violations of this Stipulation and Agreed Order, chapter 18.08 RCW, chapter 308-12 WAC, or otherwise exercising its responsibilities under chapter 18.08 RCW, except that the alleged violation(s) referenced herein shall be handled in accordance with the terms of this Stipulation and Agreed Order.

4. That any violation of the terms and conditions of this Stipulation and Agreed Order, chapter 18.08 RCW, and/or chapter 308-12 WAC, following the date of notification to the licensee of the Board's acceptance of this Stipulation and Agreed Order, shall be grounds for certificates of registration or authorization to be subject to suspension, revocation, denial of renewal, or other penalties as provided by chapter 18.08 RCW. The terms of this Stipulation and Agreed Order apply to and resolve only the allegations referred to herein.

ACCEPTED by the Board of Registration for Architects this
21st day of May, 1993.

Dr. Norman J. Johnston
DR. NORMAN J. JOHNSTON
Chairman



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
Olympia, Washington 98504-8001
Board of Registration for Architects
P.O. Box 9649, Olympia, WA 98507-9649

May 24, 1993

Mr. Terry E. Friis
East 11923 21st
Spokane, Washington 99206

Dear Mr. Friis:

The board accepted your stipulated agreement dated April 12, 1993 to the charges filed against you, at the board meeting on May 21, 1993. A copy of the accepted agreement is enclosed.

You agreed that your license to practice as an architect would be revoked for a period of not less than eight years, until May 21, 2001. At the end of the period of revocation of your license, you may apply to the Board of Registration for Architects for reinstatement of your license.

If you wish to apply for reinstatement, you must appear before the Board to respond to their questions. The Board may impose additional conditions after the questioning, and they may require you to retake and pass all or part of the architecture registration examination.

Upon the restoration of your architecture license and if there are no additional restrictions or conditions placed upon you by the Board, you may petition for termination of the proceeding.

Please contact me if you have any questions in this matter.

Sincerely,

James D. Hanson
Program Administrator
(206) 753-6967

Enclosure

LZ1711B120800-FRIISTE522BF
MONEY CTL 052493,9999,00000000 EXPD 010692 EXPT 0
STAT A TYPE 0 KEYD 010648 CLASS ASSN P
BILL 000000000 SIGN SPLT 0 QTRD 000000
NAME FRIIS,TERRY EDWIN
MAIL E 11923 21ST AVENUE

CITY SPOKANE ST WA ZIP 99206 CNTY 32
ADDL EFFECTIVE 05-21-93 FOR A
PERIOD OF EIGHT YEARS

CITY ST ZIP 00000 CNTY 00
PTR 00000,
DBA
PHONE 0000000 SSN 0000000000 TAX# 0000000000
EXAM 032576 ELOC CERT 040276 CRT# 0002825
VOTE TITLE D GRAD YR/SCH 00000 LTIS 000000
FTIS 000000 BOND 000000 BONDY 0 INSD 000000 INST 0
NEXT

returning to be true under penalty of perjury,
under the laws of the State of Washington that
I delivered/mailed a copy of this document to:
Licensee _____ on Mar. 3 1993 at

Olympia WA.
Signed: Cawlyn Christian STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PROFESSIONAL LICENSING SERVICES
BOARD OF REGISTRATION FOR ARCHITECTS

In the Matter of the)	
Application for a License to	)	No. 90-07-0701 AR
Practice as an Architect of:)	
	)	NOTICE OF HEARING
TERRY E. FRIIS)	
)	
Licensee.)	
)	

The State of Washington, Department of Licensing to: Terry E.
Friis; Steven J. Thiele, Assistant Attorney General.

YOU ARE HEREBY NOTIFIED that the administrative hearing in
the above-referenced case is scheduled for:

DATE: May 20, 1993
TIME: 1:30 p.m.
LOCATION: Wyndham Garden Hotel
18118 Pacific Hwy. South
Seattle, WA 98188

This adjudicative proceeding is to determine whether the
above named licensee has violated RCW 18.08, as alleged in the
December 1, 1992, Statement of Charges issued by James D. Hanson,
Board of Registration for Architects Program Manager for the
Department of Licensing. If the licensee is deemed to be in
violation of the laws alleged, the adjudicative proceeding shall
further determine the appropriate resolution of this matter.


Pursuant to RCW 34.05.434 the names, addresses and telephone
numbers of the presiding officer, the parties to whom notice is

given and their representatives are attached and incorporated herein by reference.

Parties who fail to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance to RCW 34.05.434.

This hearing will be conducted under the authority of chapter 18.85 RCW, chapter 34.05 RCW, and chapter 10-08 WAC.

DATED at Olympia, Washington, this 3rd day of march, 1993.


for JAMES D. HANSON
Program Manager
Board of Registration for
Architects
Professional Licensing Services

sjt/friis.noh

Presiding Officer:

Norman J. Johnston, Chairman
Board of Registration for Architects
P.O. Box 9649
Olympia, WA 98507-9649
(206) 753-1153

Respondent:

Terry E. Friis
E. 11923 - 21st
Spokane, WA 99206

Assistant Attorney General:

Steven J. Thiele
Assistant Attorney General
905 Plum Street
P.O. Box 40110
Olympia, WA 98504-0110
(206) 753-2702

STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PROFESSIONAL LICENSING SERVICES
BOARD OF REGISTRATION FOR ARCHITECTS

In the Matter of the)	
License to Practice as an)	
Architect of:	)	NO. 90-07-0701AR
)	
TERRY E. FRIIS,	)	NOTICE OF OPPORTUNITY
	)	TO DEFEND
Licensee.)	
)	

THE STATE OF WASHINGTON TO: Terry E. Friis, Licensee

YOU ARE HEREBY NOTIFIED that a Statement of Charges has been filed with the Washington State Board of Registration for Architects which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may within twenty (20) days of the date of service of this notice, demand a formal hearing before the Board on the Statement of Charges. Service is deemed complete upon deposit in the United States mail. If you demand a hearing, you will be notified of the time and place for the hearing within ninety (90) days. At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing will be recorded. The primary concern of the Board will be getting to the truth of the matter insofar as the Statement of Charges is concerned. Technical rules of evidence will not be binding on the Board at the hearing except for the rules of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine those witnesses presented in

support of the Statement of Charges. You may require the attendance of witnesses by subpoena, which subpoenas will be issued to you upon request made to the Board.

Pursuant to RCW 34.05.434 the names, addresses and telephone numbers of the presiding officer, the parties to whom notice is given and their representatives are attached and incorporated herein by reference.

ALTERNATIVELY, you may waive the formal hearing and, in lieu thereof, submit a written statement and any supporting documents for consideration by the Board before entering its final offer. To exercise either alternative, complete the appropriate information on the attached Answer to Statement of Charges form, sign, date, and return it to the Department of Licensing; Professional Licensing Services, P.O. Box 9649, Olympia, Washington 98507-9649, within twenty (20) days from the date of service of this notice. Any materials received after the twenty (20) days will not be considered by the Board.

YOU ARE FURTHER NOTIFIED THAT IF YOU DO NOT RETURN THE ANSWER TO STATEMENT OF CHARGES FORM WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE OF THIS NOTICE, THIS WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO A HEARING PURSUANT TO RCW 34.05.740 AND THE BOARD WILL FIND THAT YOU DO NOT CONTEST THE ALLEGATIONS OF THE STATEMENT OF CHARGES UPON SUCH A FINDING BY THE BOARD, AN APPROPRIATE DEFAULT ORDER WILL BE ENTERED DISPOSING OF THIS MATTER, TO INCLUDE THE REVOCATION OR DENIAL OF YOUR LICENSE TO PRACTICE AS AN ARCHITECT IN THE STATE OF WASHINGTON.

INTERPRETER AVAILABILITY: If you or a witness for you is a person who, because of a non-English speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for you is a person who, because of a hearing or speech impairment or defects, cannot readily understand or communicate in spoken language, AND YOU NEED AN INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request the appointment of a qualified interpreter by indicating your request on the attached Answer to Statement of Charges.

DATED at Olympia, Washington, this 1st day of December, 1992.

WASHINGTON STATE
DEPARTMENT OF LICENSING

By: James D. Hanson
JAMES D. HANSON, Program Manager
Board of Registration for
Architects

FRIIS.OPP

NOTICE OF OPPORTUNITY
TO DEFEND 3 -

Presiding Officer:

Norman J. Johnston, Chairman
Board of Registration for Architects
P.O. Box 9649
Olympia, WA 98507-9649
Telephone: (206) 753-1153


Respondent:

Terry E. Friis
E. 11923 - 21st
Spokane, WA 99206

Attorney For State of Washington:

Steven J. Thiele
Assistant Attorney General
Hwys Lic Bldg 5th Floor
P.O. Box 40110
Olympia, WA 98504-0110
Telephone: (206) 753-2702

MEMORANDUM

Date: 11/22/91
To: Jim Hanson
From: Bill Dean 
Subject: Closure of case #90-07-0701AR--Terry E. Friis

In May of 1991, Mr. Friis appeared before a Federal Judge who revoked Mr. Friis' probation. At that time, Mr. Friis was sentenced to 120 days and credited for 120 days served. Mr. Friis is no longer on probation with the U.S. Court. This revocation was a result of action brought on Mr. Friis in Spokane Superior Court for felony theft.

In April of 1991, Mr. Friis pled guilty in Spokane Superior Court to three counts of felony theft. Three additional counts of felony theft were dismissed. As a result of these convictions, Mr. Friis was sentence to 120 days in jail with credit for 97 days served. Mr. Friis served out this sentence and is currently on minimum probation with the Department of Corrections in Spokane. Mr. Friis will remain on this probation through 05/24/92.

Mr. Friis owes in excess of \$8,000.00 in restitution and is required to pay at least \$25.00 per month. Department of Corrections will monitor these restitution payments through the year 2001.

Supporting documents regarding the above information are included in file.

M E M O T O F I L E

DATE: 11/22/91

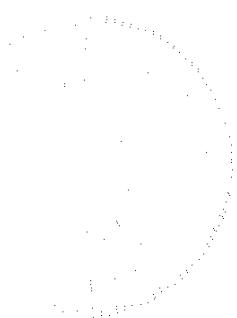
FROM: William Dean

CASE NO.: 90-07-0701AR

RE: Telephone interview of Department of Corrections
(Spokane) Probation Officer Pat Kinner by Investigator Dean.

During this telephone interview, I inquired of Ms. Kinner the current status of Terry Edwin Friis. Ms. Kinner stated Mr. Friis is currently on probation with her office. Mr. Friis is on a minimum type probation where he is only required to call in if there is a change in his address or occupation. Ms. Kinner went on to say Friis would continue this probation status through 05/24/92.

After 05/24/92 Mr. Friis will only be monitored as to making his \$25.00 per month restitution payment through Ms. Kinner's office.



7
6 mos & 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

FILED

APR 29 1991

STATE OF WASHINGTON)
SPOKANE CO. CLERK)
Plaintiff,)
v.)
TERRY EDWIN FRIIS)
WM 010648)
Defendant(s))

NO. 91-1-00150-3

THOMAS R. FALLQUIST
SPOKANE COUNTY
CLERK

PA# 90-9-79873-0

RPT# 02-90-75648;75643;75634-0

RCW 9A.56.040(1)(a)CO-F(#75017)

JUDGMENT AND SENTENCE
(FELONY)

I. HEARING

1.1 A sentencing hearing in this case was held: 4-29-91
(Date)

1.2 Present were:

Defendant: TERRY EDWIN FRIIS
Defendant's Lawyer: Howard M. Neill
Deputy Prosecuting Attorney: MARK A. LAIMINGER
Other:

COURT COSTS 76.00
VICTIM ADVICES 100.00
RESTITUTION _____
FINE _____
DRUG FEE 0.00
OTHER COSTS N/A

1.3 The State has moved for dismissal of Count(s) N/A.
1.4 Defendant was asked if there was any legal cause why judgment should not be pronounced, and none was shown.

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, ~~the presentence report~~ and case record to date, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 4-29-91
by [plea] [~~rescript~~] [~~advice~~] [~~presentence~~] of:

Count No.: I

Crime: THEFT 2

RCW 9A.56.040(1)(a)CO-F(#75017)

Date of Crime BETW 7-7 AND 7-16-90

Incident No. 02900756480

JUDGMENT AND SENTENCE (FELONY)
(RCW 9.94A.110, 120)

JS
Page 1 of 9

91901884-7

Count No.: _____ Crime: N/A

Date of Crime _____

Incident No. _____

Count No.: _____ Crime: N/A

RCW _____

Date of Crime _____

Incident No. _____

() With a special verdict/finding for use of deadly weapon on Count(s): N/A

() With a special verdict/finding of sexual motivation on Count(s): _____ N/A

() With a special verdict/finding of RCW 69.50.401(a) violation in a school bus or within 1000 feet of a school bus route or 1000 feet of the perimeter of a school grounds (RCW 69.50.435). N/A

() Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)): N/A

() Additional current offenses attached in Appendix A. N/A

2.2 CRIMINAL HISTORY: Criminal history used in calculating the offender score is (RCW 9.94A.360):

	Crime	Sentencing Date	Adult or Juv. Crime	Date of Crime	Crime Type
FEDERAL → E. DIST., WA)	FALSE STATEMENT ON LOAN APPLICATION	5-12-89	ADULT	1985	NON-VIOLENT
OTHER CURRENT OFFENSES →	THEFT 1	4-29-91	ADULT	4-16-90	NON-VIOLENT
90-1-00691-4 →	THEFT 1	4-29-91	ADULT	4-19-90	NON-VIOLENT

() Additional criminal history is attached in Appendix B. N/A

() Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(11)): _____ N/A

2.3 SENTENCING DATA:

	Offender Score	Seriousness Level	Range	Maximum Term
Count No. <u>I</u>	<u>3</u>	<u>I</u>	<u>2 TO 6 mo</u>	<u>5 YRS / \$10,000⁰⁰</u>
Count No. _____	_____	_____	_____	_____
Count No. _____	_____	_____	_____	_____

() Additional current offenses sentencing information is attached in Appendix C. N/A

2.4 EXCEPTIONAL SENTENCE:

() Substantial and compelling reasons exist which justify a sentence (above) (below) the standard range for Count(s) _____. Findings of Fact and Conclusions of Law are attached in Appendix D. N/A

2.5 CATEGORY OF OFFENDER: The defendant is:

- (a) () An offender who shall be sentenced to confinement of over one year.
- (b) (X) An offender who shall be sentenced to confinement of one year or less.
- (c) () A first time offender who shall be sentenced under the waiver of the presumptive sentence range (RCW 9.94A.030(12), .120(5)).
- (d) () A sexual offender who is eligible for the special sentencing alternative and who shall be sentenced under the alternative because both the defendant and the community will benefit from its use (RCW 9.94A.120(7)(a)).
- (e) () A felony sexual offender who shall be sentenced to confinement of over one year but less than six years and shall be ordered committed for evaluation of defendant's amenability to treatment (RCW 9.94A.120(7)(b)).

III. JUDGMENT

IT IS ADJUDGED that the defendant is guilty of the crime(X) of:
SECOND DEGREE THEFT

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the conditions set forth below.

4.1 The Court, having examined the defendant's ability to pay monetary obligations, makes the following findings: _____

- (X) The defendant [~~does~~] [does not] have the present ability to pay toward financial obligation herein.

Defendant is incarcerated.

- (X) There [is] [~~is not~~] a likelihood of the defendant having a future ability to pay toward financial obligations herein.

Defendant is a licensed architect.

- (X) Defendant shall pay the following legal financial obligation to the Clerk of the Court:

(a) \$ 76.00, Court costs;

(b) \$100.00, Victim Assessment;

(c) \$ 0, Restitution to be paid to: _____

(d) \$ 0, Recoupment for attorney's fees;

(e) \$ 0, Fine; [] VUCSA additional fine waived due to indigency. RCW 69.40.430.

(f) \$ 0, Drug enforcement fund of _____

(g) \$ 0, Other costs for: _____

(h) \$ 176.00, TOTAL legal financial obligations.

Commencing with the first full month after the date of this Judgment and Sentence or after release from confinement, the defendant shall pay not less than \$ 25.00 per month, subject to adjustment by the court as necessary upon the recommendation of the community corrections officer, to the Clerk of the Court until the total legal financial obligation is paid in full (with credit for amounts paid by co defendants), to be paid in full by 10-28-2000 with a report by the Department of Corrections to be submitted to the court by 8-28-2000. The Department of Corrections shall monitor all assets and earnings of the defendant while s/he is confined and shall deduct appropriate amounts to be forwarded to the Clerk of the Court to satisfy the court-ordered legal financial obligations as provided for herein.

Upon receipt, the Clerk of the Court shall distribute the restitution to: _____

- () Schedule of Restitution is attached as Appendix E.
() Schedule of Restitution to be filed.

N/A

The court shall retain jurisdiction over the defendant for the greater of ten (10) years, subject to adjustment by the court, from the date of this Judgment and Sentence or from the defendant's last date of release from confinement pursuant to a felony conviction to assure payment of the above legal financial obligations. The defendant shall report to the Department of Corrections to monitor compliance, and obey conditions as provided by RCW 9.94A.120(12)).

4.3 CONFINEMENT ONE YEAR OR LESS: The defendant shall serve a term of total confinement in the Spokane County-City Detention Center as follows, commencing 4-29, 19 91:

6 (~~days~~) (months) on Count No. I;
____ (days) (months) on Count No. ____;
____ (days) (months) on Count No. ____.

() The terms in Counts No. _____ to be concurrent for a total term of _____ months.

(X) The sentence herein to run (concurrently) (~~consecutively~~) with the sentence in 90-1-00691-4 (Count(s) or cause number(s)) 97 (NINETY SEVEN)

(X) Credit be given for (~~days~~) (97 days) served solely on these charges.

(a) ALTERNATIVE CONVERSION PURSUANT TO RCW 9.94A.380:

() _____ days of total confinement be converted to partial confinement. Confinement shall take effect at such time as s/he is accepted into _____ the partial confinement program/facility.

() Partial confinement shall be served in work release.

() Partial confinement shall be served in home detention.

() _____ days of total confinement be converted to _____ hours of community service to be completed as follows: _____

() Alternative conversion is not recommended because: _____

(b) (X) COMMUNITY SUPERVISION: The defendant serve 12 months of community supervision. Community Supervision shall commence UPON RELEASE FROM ALL ~~12~~ 24 HOURS OF RELEASE ~~CONFINEMENT.~~ Defendant shall report ~~by~~ WITHIN to the Department of Corrections and shall comply with all rules, regulations and requirements.

The defendant's monthly probationer assessment to the Department of Corrections is as follows (RCW 9.94A.270):

- ☐ Full payment
 - ☒ Total exemption
 - ☐ Partial exemption; payments shall not exceed \$ _____ per month
- (c) ☐ The defendant, having been convicted of a felony sex offense, shall register with the County Sheriff where the defendant resides within thirty (30) days of release from confinement and/or placement on community supervision as a convicted sex offender.
- (d) ☐ OTHER CONDITIONS:
- ☐ ☐ Additional conditions are attached in Appendix F.

4.4 ☐ Pursuant to RCW 70.24.340 the defendant shall submit to HIV testing as soon as possible, be provided pre-test counseling and be provided post-test counseling for the reason that:

- ☐ The offense herein is a sexual offense under RCW Chapter 9A.44.
- ☐ The offense herein is a prostitution offense or related to prostitution under RCW Chapter 9A.88.
- ☐ The offense herein is a drug offense under RCW Chapter 69.50 and it is determined by the court that the related drug offense is one associated with the use of hypodermic needles.

Provided further the results of the HIV test are to be confidential but are to be provided to the victim, prosecuting attorney, community corrections officer and the public defender as necessary.

4.5 ☐ Pursuant to Ch. 230 Washington Laws of 1990 this conviction being for:

- ☐ A felony defined as a sex offense under RCW 9.94A.030(29)(a)
- ☐ A violent offense as defined under RCW 9.94A.030(32).
- ☐ The defendant shall have a blood sample drawn for purposes of DNA identification analysis prior to his release from confinement.

- () The defendant, not having been sentenced to confinement, shall report immediately to the Spokane County Detention Facility to have a blood sample drawn for purposes of DNA identification analysis. The defendant shall be in the custody of the Court and shall abide by this requirement as a term and condition of his sentence.

Violations of the conditions or requirements of this sentence are punishable for a period not to exceed sixty (60) days of confinement for each violation. (RCW 9.94A.200(2)), in addition to the conversion of Community Service or Community Supervision back to partial or total confinement (9.94A.120).

The following appendices are attached to this Judgment and Sentence and are incorporated by reference:

- () Appendix A, Additional Current Offenses
- () Appendix B, Additional Criminal History
- () Appendix C, Current Offense(s) Sentencing Information
- () Appendix D, Findings of Fact and Conclusions of Law for Exceptional Sentence
- () Appendix E, Schedule of Restitution
- () Appendix F, Additional Conditions
- () Appendix H, Order Prohibiting Contact
- () Appendix I, Notification of Registration Requirement
- (X) Appendix J, Advice of Time Limit for Filing Collateral Relief

Date: 4-29-91

JOHN A. SCHULTHEIS

Presented by:

Judge
Approved as to form:

Mark A. Laiminger
MARK A. LAIMINGER
Deputy Prosecuting Attorney
WA State Bar ID #: 16492

Howard M. Neill
Howard M. Neill
Lawyer for Defendant
WA State Bar ID #: 5296

FINGERPRINTS



Right Hand
Fingerprints of:

TERRY EDWIN FRIIS

Dated: 4-29-91

Attested by:

THOMAS R. FALLOQUIST, County Clerk

By: [Signature]

CERTIFICATE

I, THOMAS R. FALLOQUIST, County Clerk
Clerk of this Court, certify that
the above is a true copy of the
Judgment and Sentence in this
action on record in my office.

Dated: 4-29-91

THOMAS R. FALLOQUIST, County Clerk
Clerk

By: [Signature]
Deputy Clerk

* OFFENDER IDENTIFICATION

*
* S.I.D. NO. 14187253
* Date of Birth 010648
* Sex MALE
* Race WHITE
* ORI WA032013A
* OCA 131534
* OIN 02900756480
* DOA 122190

* FBI 62535949

* SOC 536468160

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

FILED
APR 29 1991

STATE OF WASHINGTON

Plaintiff,

v.

TERRY EDWIN FRIIS,
WM 010648

Defendant(s)

NO. 91-1-00150-3

PA# 90-9-79873-0

RPT# 02-90-75648;75643;75634-0

RCW 9A.56.040(1)(a)CO-F(#75017)

THOMAS R. FALLQUIST
SPOKANE COUNTY
CLERK

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO A FELONY
I. STATEMENT OF DEFENDANT

1.1 My true name is: TERRY EDWIN FRIIS
I am also known as _____.

1.2 My age is 43. Date of birth 1-6-48.

1.3 I went through the 18⁺ grade in school.

1.4 I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

My lawyer's name is Howard M. Neill.

1.5 I have been provided a copy of the Information and am informed and fully understand that I am charged with the crime(~~x~~) of: SECOND DEGREE THEFT, and the elements of the crime(~~x~~) are:

the maximum sentence(~~x~~) for which (is) (~~over~~): 5 years and/or \$ 10,000.00 fine. In addition, I understand that I may have to pay restitution for crime(~~x~~) to which I enter a guilty plea and for any other uncharged crime(s) for which I have agreed to pay restitution. The standard sentence range for the crime(s) is at least 2 MONTHS and not more than 6 MONTHS, based upon my criminal history which I understand the Prosecuting Attorney says to be:

1.6 I have been informed and fully understand that:

- (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
- (b) I have the right to remain silent before and during trial, and I need not testify.
- (c) I have the right at trial to hear and question witnesses who testify against me.

STATEMENT OF DEFENDANT ON PLEA OF GUILTY TO A FELONY STTDFG
(CrR 4.2(g)) Page 1 of 4

- (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt, or I enter a plea of guilty.
- (f) I have the right to appeal certain pretrial court decisions and any determination of guilt after trial.
- (g) IF I PLEAD GUILTY, I GIVE UP THESE RIGHTS IN STATEMENTS 1.6(a) through (f).
- 1.7 I plead _____ to the crime(~~X~~) of SECOND DEGREE THEFT as charged in the (~~Substitute~~/Amended) Information.
- 1.8 I make this plea freely and voluntarily.
- 1.9 No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 1.10 No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 1.11 I have been informed and fully understand that the Prosecuting Attorney will make the following recommendations to the court:
6 MONTHS JAIL, CONCURRENT WITH 90-1-00691-4 AND
WITH ANY TIME IMPOSED IN FEDERAL COURT.
-
- 1.12 I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was 15 years of age or older. Juvenile convictions count only if I was less than 23 years of age at the time I committed the present offense. I fully understand that if criminal history in addition to that listed in paragraph 1.5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court and I cannot change my mind if additional criminal history is discovered and the standard sentence range and the prosecuting Attorney's recommendation increases.
- 1.13 I have been informed and fully understand that the court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the court must impose a sentence within the standard range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard range, either I or the

State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the court's sentencing determination. I also understand that the court must sentence to a mandatory minimum term, if any, as provided in paragraph 1.14 and that the court may not vary or modify that mandatory minimum term for any reason.

() I have been advised that the law requires that a prison term be imposed and does not permit any form of probation for the crime(s) with which I am charged.

() I have been advised that if I am sentence to prison, my sentence must be served consecutively to my prior prison sentence for a prior felony.

N/A
1.14 I have been further advised that the crime(s) of SECOND DEGREE THEFT with which I am charged carries with it a term of total confinement of not less than _____ years. I have been advised that the law requires that a term of total confinement be imposed and does not permit any modification of this mandatory minimum term.

(a) I have been advised that the crime(s) of _____ with which I am charged is a felony sex offense. I have been advised that the law requires that I register with the County Sheriff where I live within thirty (30) days of my release from confinement and/or placement on community supervision. I have been further advised that failure to do so is a violation of the law and punishable as either a felony or gross misdemeanor.

1.15 I have been advised that the sentences imposed in Counts _____ will run (consecutively) (concurrently) unless the court finds substantial and compelling reasons to run the sentences (concurrently) (consecutively).

1.16 I have been informed and fully understand that if I am on probation or parole, a plea of guilty to the present charges will be sufficient grounds for a Judge or the parole board to revoke my probation or parole.

1.17 I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

1.18 The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) in the Information. This is my statement: COOL ABOUT 7-7-80
I OBTAINED A 1975 BMW FOR DEMONSTRATION PURPOSES
WITHOUT INTENDING TO PURCHASE THE SAME IN SPOKANE
IDaho.

1.19 I have read or have had read to me all of the numbered sections (1.1 through 1.18) above and have received a copy of "Statement of Defendant on Plea of Guilty to a Felony." I have no further questions to ask of the court.

SIGNED IN OPEN COURT:

Date: 4-29-91

TERRY EDWIN FRIS
Defendant

II. JUDGE'S FINDINGS

The court finds that:

- 2.1 The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his/her lawyer and the undersigned Judge, in open court;
- 2.2 The defendant's plea of guilty was made knowingly, intelligently and voluntarily.
- 2.3 The court has informed the defendant of the nature of the charge and the consequences of the plea;
- 2.4 There is a factual basis for the plea, and that the defendant is guilty as charged as indicated by the defendant's plea in section 1.7 above.

Date: 4-29-91

MARK A. LAIMINGER
Judge

Mark A. Laiminger
MARK A. LAIMINGER
Deputy Prosecuting Attorney
WA State Bar ID #: 16492

Howard M. Neill
Howard M. Neill
Defendant's Lawyer
WA State Bar ID#: 5296

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his/her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date: _____

Interpreter

FILED

FEB 15 1991

THOMAS R. FALLGUST
SPOKANE COUNTY
CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff,

v.

TERRY EDWIN FRIIS
WM 010648
aka Terry Rogalski

Defendant(s)

INFORMATION

NO. **91100150 3**

MARK A. LAIMINGER
Deputy Prosecuting Attorney

PA# 90-9-79873-0
RPT# 02-90-75648;75643;75634-0
RCW 9A.56.030(1)(a)C0-F (#75001)
(THREE COUNTS)

Comes now the Prosecuting Attorney in and for Spokane County, Washington, and charges the defendant(s) with the following crime(s):

COUNT I: FIRST DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, in Spokane County, Washington, on or about between July 7, 1990 and July 16, 1990, did wrongfully obtain and exert unauthorized control over property and services, a 1989 BMW 535i, belonging to Camp BMW, of a value exceeding \$1,500, with intent to deprive Camp BMW, of such property and services,

COUNT II: And the Prosecuting Attorney, as aforesaid, further charges the defendant, TERRY EDWIN FRIIS, with the crime of FIRST DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, in Spokane County, Washington, on or about between August 6, 1990 and August 8, 1990, did wrongfully obtain and exert unauthorized control over property and services, a 1990 Chevrolet Lumina APV, belonging to Appleway Chevrolet, of a value exceeding \$1,500, with intent to deprive Appleway Chevrolet, of such property and services,

COUNT III: And the Prosecuting Attorney, as aforesaid, further charges the defendant, TERRY EDWIN FRIIS, also known as Terry Rogalski, with the crime of FIRST DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, also known as Terry Rogalski, in Spokane County, Washington, on or about between October 13, 1990 and October 17, 1990, did wrongfully obtain and exert unauthorized control over property and services, a 1991 Ford Explorer, belonging to Wendle Ford, of a value exceeding \$1,500, with intent to deprive Wendle Ford, of such property and services,

Mark A. Laiminger

Deputy Prosecuting Attorney

16492

WA St. Bar ID#

INFORMATION

DONALD C. BROCKETT
Spokane County Prosecuting Attorney
County-City Public Safety Building
Spokane, Washington 99260



SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff(s)

vs.

TERRY EDWIN FRIIS,

Defendant(s)

CASE NO. 91-1-00150-3

CERTIFICATE OF COPY

I, THOMAS R. FALLQUIST, county clerk, and ex officio Clerk
of the Superior Court of this county, certify that the attached is a true and correct copy of:

Document Number	Date Filed	Title
1	2/15/91	INFORMATION
12	4/29/91	STATEMENT OF DEFENDANT ON PLEA OF GUILTY TO A FELONY
17	4/29/91	JUDGMENT AND SENTENCE

in the above entitled action, as it now appears on file and of record in my office.

Dated: November 18, 1991

THOMAS R. FALLQUIST

Clerk

By

Thomas R. Martin

Deputy Clerk

(Seal)

7
6mo's at III
6mo's at IV

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

FILED

APR 29 1991

THOMAS R. FALLQUIST
SPOKANE COUNTY
CLERK

STATE OF WASHINGTON
SPOKANE CO. CLERK
Plaintiff,

v.

TERRY EDWIN FRIIS,
WM 010648

Defendant(s)

NO. 90-1-00691-4

PA# 90-9-78655-0

RPT# 02-90-28808;28029;28802;27324-0

CT I: RCW 9A.56.030(1)(a)COAT-F
(9A.28.020(1)) (#75002)

CT II: RCW 9A.56.040(1)(a)CO-F
(#75017)

CT III: RCW 9A.56.030(1)(a)CO-F
(#75001)

CT IV: RCW 9A.56.030(1)(a)DE-F
(#75005)

JUDGMENT AND SENTENCE
(FELONY)

I. HEARING

1.1 A sentencing hearing in this case was held:

4-29-91

1.2 Present were:

(Date) JURY COSTS 76.00

VICTIM ADDED 100.00

RESTITUTION 8,707.64

Defendant: TERRY EDWIN FRIIS

Defendant's Lawyer: Howard M. Neill

Deputy Prosecuting Attorney: MARK A. LAIMINGER

Other:

1.3 The State has moved for dismissal of Count(s) I + II

1.4 Defendant was asked if there was any legal cause why judgment should not be pronounced, and none was shown.

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, ~~the presentence report~~ and case record to date, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 4-29-91 by [plea] [~~verdict~~] [~~guilty~~] [~~not guilty~~] of:

Count No.: I

Crime: DISMISSED

RCW 9A.56.030(1)(a)COAT-F(9A.28.020(1))
(#75002)

Date of Crime _____

Incident No. _____

919010857.5

JUDGMENT AND SENTENCE (FELONY)

(RCW 9A.44.110, 120)

JS

G

Count No.: II

Crime: DISMISSED

RCW 9A.56.040(1)(a)CO-F(#75017)

Date of Crime 04-16-90

Incident No. _____

Count No.: III

Crime: THEFT I

RCW 9A.56.030(1)(a)CO-F(#75001)

Date of Crime 04-16-90

Incident No. _____

Count No.: IV

Crime: THEFT I

RCW 9A.56.030(1)(a)DE-F(#75005)

Date of Crime 04-16-90

Incident No. _____

- () With a special verdict/finding for use of deadly weapon on Count(s): N/A
- () With a special verdict/finding of sexual motivation on Count(s): N/A
- () With a special verdict/finding of RCW 69.50.401(a) violation in a school bus or within 1000 feet of a school bus route or 1000 feet of the perimeter of a school grounds (RCW 69.50.435): N/A
- () Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1))): N/A
- () Additional current offenses attached in Appendix A. N/A

2.2 CRIMINAL HISTORY: Criminal history used in calculating the offender score is (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Date of Crime	Crime Type
FEDERAL FALSE STATEMENT	5-12-89	ADULT	1985	NON-VIOLENT
OTHER CURRENT ON LOAN APPLICATION	4-29-91	ADULT	1985 7-7-16-90	NON-VIOLENT
1-1-20150-3 → THEFT 2				

- () Additional criminal history is attached in Appendix B. N/A
- () Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(11))): N/A

2.3 SENTENCING DATA:

	Offender Score	Seriousness Level	Range	Maximum Term
Count No. <u>III</u>	<u>3</u>	<u>II</u>	<u>4 TO 12 mo</u>	<u>10 YRS/\$20,000</u>
Count No. <u>IV</u>	<u>3</u>	<u>II</u>	<u>4 TO 12 mo</u>	<u>10 YRS/\$20,000</u>
Count No. _____	_____	_____	_____	_____

() Additional current offenses sentencing information is attached in Appendix C. N/A

2.4 EXCEPTIONAL SENTENCE:

() Substantial and compelling reasons exist which justify a sentence (above) (below) the standard range for Count(s) _____. Findings of Fact and Conclusions of Law are attached in Appendix D. N/A

2.5 CATEGORY OF OFFENDER: The defendant is:

- (a) () An offender who shall be sentenced to confinement of over one year.
- (b) (X) An offender who shall be sentenced to confinement of one year or less.
- (c) () A first time offender who shall be sentenced under the waiver of the presumptive sentence range (RCW 9.94A.030(12), .120(5)).
- (d) () A sexual offender who is eligible for the special sentencing alternative and who shall be sentenced under the alternative because both the defendant and the community will benefit from its use (RCW 9.94A.120(7)(a)).
- (e) () A felony sexual offender who shall be sentenced to confinement of over one year but less than six years and shall be ordered committed for evaluation of defendant's amenability to treatment (RCW 9.94A.120(7)(b)).

III. JUDGMENT

IT IS ADJUDGED that the defendant is guilty of the crime(s) of: ATTEMPTED FIRST DEGREE THEFT; CT II. SECOND DEGREE THEFT; CT III-IV: FIRST DEGREE THEFT

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the conditions set forth below.

4.1 The Court, having examined the defendant's ability to pay monetary obligations, makes the following findings:

- (X) The defendant [~~does~~] [does not] have the present ability to pay toward financial obligation herein.

Defendant is incarcerated.

- (X) There [is] [~~is not~~] a likelihood of the defendant having a future ability to pay toward financial obligations herein.

Defendant is a licensed architect.

- (X) Defendant shall pay the following legal financial obligation to the Clerk of the Court:

(a) \$ 76.00, Court costs;

(b) \$100.00, Victim Assessment;

(c) \$ 8,707.64, Restitution to be paid to:
THE SPOKANE COUNTY CLERK

(d) \$ 0, Recoupment for attorney's fees;

(e) \$ 0, Fine; [] VUCSA additional fine waived due to indigency. RCW 69.40.430.

(f) \$ 0, Drug enforcement fund of _____

(g) \$ 0, Other costs for: _____

(h) \$ 8,883.64, TOTAL legal financial obligations.

Commencing with the first full month after the date of this Judgment and Sentence or after release from confinement, the defendant shall pay not less than \$ 25.00 per month, subject to adjustment by the court as necessary upon the recommendation of the community corrections officer, to the Clerk of the Court until the total legal financial obligation is paid in full (with credit for amounts paid by co defendants), to be paid in full by 10-28-2000 with a report by the Department of Corrections to be submitted to the court by 8-28-2000. The Department of Corrections shall monitor all assets and earnings of the defendant while s/he is confined and shall deduct appropriate amounts to be forwarded to the Clerk of the Court to satisfy the court-ordered legal financial obligations as provided for herein.

Upon receipt, the Clerk of the Court shall distribute the restitution to: _____

- () Schedule of Restitution is attached as Appendix E.
- (X) Schedule of Restitution to be filed.

The court shall retain jurisdiction over the defendant for the greater of ten (10) years, subject to adjustment by the court, from the date of this Judgment and Sentence or from the defendant's last date of release from confinement pursuant to a felony conviction to assure payment of the above legal financial obligations. The defendant shall report to the Department of Corrections to monitor compliance, and obey conditions as provided by RCW 9.94A.120(12)).

4.3 CONFINEMENT ONE YEAR OR LESS: The defendant shall serve a term of total confinement in the Spokane County-City Detention Center as follows, commencing 4-29, 19 91:

6 (days) (months) on Count No. III;
6 (days) (months) on Count No. IV;
____ (days) (months) on Count No. _____.

(X) The terms in Counts No. III + IV to be concurrent for a total term of 6 months.

(X) The sentence herein to run (concurrently) (~~consecutively~~) with the sentence in 91-1-00150-3 (Count(s) or cause number(s))

(X) Credit be given for (~~time~~) (~~97~~ 97 (NINETY SEVEN) days) served solely on these charges.

(a) ALTERNATIVE CONVERSION PURSUANT TO RCW 9.94A.380:

() _____ days of total confinement be converted to partial confinement. Confinement shall take effect at such time as s/he is accepted into _____ the partial confinement program/facility.

() Partial confinement shall be served in work release.

() Partial confinement shall be served in home detention.

() _____ days of total confinement be converted to _____ hours of community service to be completed as follows: _____

() Alternative conversion is not recommended because: _____

(b) (X) COMMUNITY SUPERVISION: The defendant serve 12 months of community supervision. Community Supervision shall commence UPON RELEASE FROM ALL 24 HOURS OF RELEASE Defendant shall report ON WITHIN 24 HOURS OF RELEASE, 18 to the Department of Corrections and shall comply with all rules, regulations and requirements.

The defendant's monthly probationer assessment to the Department of Corrections is as follows (RCW 9.94A.270):

- ☐ Full payment
- ☒ Total exemption
- ☐ Partial exemption; payments shall not exceed \$ _____ per month

(c) ☐ The defendant, having been convicted of a felony sex offense, shall register with the County Sheriff where the defendant resides within thirty (30) days of release from confinement and/or placement on community supervision as a convicted sex offender.

(d) ☐ OTHER CONDITIONS:

☐ ☐ Additional conditions are attached in Appendix F.

4.4 ☐ Pursuant to RCW 70.24.340 the defendant shall submit to HIV testing as soon as possible, be provided pre-test counseling and be provided post-test counseling for the reason that:

☐ The offense herein is a sexual offense under RCW Chapter 9A.44.

☐ The offense herein is a prostitution offense or related to prostitution under RCW Chapter 9A.88.

☐ The offense herein is a drug offense under RCW Chapter 69.50 and it is determined by the court that the related drug offense is one associated with the use of hypodermic needles.

Provided further the results of the HIV test are to be confidential but are to be provided to the victim, prosecuting attorney, community corrections officer and the public defender as necessary.

4.5 ☐ Pursuant to Ch. 230 Washington Laws of 1990 this conviction being for:

☐ A felony defined as a sex offense under RCW 9.94A.030(29)(a)

☐ A violent offense as defined under RCW 9.94A.030(32).

☐ The defendant shall have a blood sample drawn for purposes of DNA identification analysis prior to his release from confinement.

- () The defendant, not having been sentenced to confinement, shall report immediately to the Spokane County Detention Facility to have a blood sample drawn for purposes of DNA identification analysis. The defendant shall be in the custody of the Court and shall abide by this requirement as a term and condition of his sentence.

Violations of the conditions or requirements of this sentence are punishable for a period not to exceed sixty (60) days of confinement for each violation. (RCW 9.94A.200(2)), in addition to the conversion of Community Service or Community Supervision back to partial or total confinement (9.94A.120).

The following appendices are attached to this Judgment and Sentence and are incorporated by reference:

- () Appendix A, Additional Current Offenses
- () Appendix B, Additional Criminal History
- () Appendix C, Current Offense(s) Sentencing Information
- () Appendix D, Findings of Fact and Conclusions of Law for Exceptional Sentence
- () Appendix E, Schedule of Restitution
- () Appendix F, Additional Conditions
- () Appendix H, Order Prohibiting Contact
- () Appendix I, Notification of Registration Requirement
- (X) Appendix J, Advice of Time Limit for Filing Collateral Relief

Date: 4-29-91

JOHN A. SCHULTHEIS

Judge

Presented by:

Approved as to form:

Mark A. Laiminger

MARK A. LAIMINGER
Deputy Prosecuting Attorney
WA State Bar ID #: 16492

Howard M. Neill
Lawyer for Defendant
WA State Bar ID #: 9296

FINGERPRINTS



Right Hand
Fingerprints of:

TERRY EDWIN FRIIS

Dated: 4-29-91

Attested by:

THOMAS R. FALLQUIST, County Clerk

By: [Signature]

CERTIFICATE

I, THOMAS R. FALLQUIST, County Clerk
Clerk of this Court, certify that
the above is a true copy of the
Judgment and Sentence in this
action on record in my office.

Dated: 4-29-91

THOMAS R. FALLQUIST, County Clerk
Clerk

By: [Signature]
Deputy Clerk

* OFFENDER IDENTIFICATION

*
* S.I.D. NO. 14187253
* Date of Birth 010648
* Sex MALE
* Race WHITE
* ORI WA032013A
* OCA 131534
* OIN
* DOA 041990

*
* FBI 62535949
* SOC 536468160
*

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

FILED

APR 29 1991

STATE OF WASHINGTON

Plaintiff,

v.

TERRY EDWIN FRIIS,
WM 010648

Defendant(s)

NO. 90-1-00691-4

THOMAS R. FALLC
SPOKANE COUNTY
CLERK

PA# 90-9-78655-0

RPT# 02-90-28808;28029;28802;27324-0

CT I: RCW 9A.56.030(1)(a)COAT-F
(9A.28.020(1)) (#75002)

CT II: RCW 9A.56.040(1)(a)CO-F
(#75017)

CT III: RCW 9A.56.030(1)(a)CO-F
(#75001)

CT IV: RCW 9A.56.030(1)(a)DE-F
(#75005)

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO A FELONY

I. STATEMENT OF DEFENDANT

1.1 My true name is: TERRY EDWIN FRIIS

I am also known as _____

1.2 My age is 43. Date of birth 1-6-48.

1.3 I went through the 13th grade in school.

1.4 I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

My lawyer's name is Howard M. Neill.

1.5 I have been provided a copy of the Information and am informed and fully understand that I am charged with the crime(s) of: ~~CT I-IV: ATTEMPTED FIRST DEGREE THEFT; CT II-IV: SECOND DEGREE THEFT;~~ CT III-IV: FIRST DEGREE THEFT, and the elements of the crimes are:

the maximum sentence(s) for which (is) (are): ~~ATTEMPTED FIRST DEGREE THEFT, CT II-IV: SECOND DEGREE THEFT;~~ CT III-IV: 10 years and/or \$ 20,000.00 fine. In addition, I understand that I may have to pay restitution for crime(s) to which I enter a guilty plea and for any other uncharged crime(s) for which I have agreed to pay restitution. The standard sentence range for the crime(s) is at least 4 MONTHS and not more than 12 MONTHS, based upon my criminal history which I understand the Prosecuting Attorney says to be:

- 1.6 I have been informed and fully understand that:
- (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
 - (b) I have the right to remain silent before and during trial, and I need not testify.
 - (c) I have the right at trial to hear and question witnesses who testify against me.

- (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt, or I enter a plea of guilty.
- (f) I have the right to appeal certain pretrial court decisions and any determination of guilt after trial.
- (g) IF I PLEAD GUILTY, I GIVE UP THESE RIGHTS IN STATEMENTS 1.6(a) through (f).

1.7 I plead _____ to the crime(s) of ~~ATTEMPTED~~
~~FIRST DEGREE THEFT~~ ~~CT III~~ ~~SECOND DEGREE THEFT~~ CT III-IV:
FIRST DEGREE THEFT as charged in the (Substitute/Amended)
Information.

1.8 I make this plea freely and voluntarily.

1.9 No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

1.10 No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

1.11 I have been informed and fully understand that the Prosecuting Attorney will make the following recommendations to the court:
DISMISS CTS I & II, 6 MONTHS JAIL, CONCURRENT
WITH 91-1-00150-3 AND WITH ANY TIME RECEIVED IMPOSED
IN FEDERAL COURT

1.12 I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was 15 years of age or older. Juvenile convictions count only if I was less than 23 years of age at the time I committed the present offense. I fully understand that if criminal history in addition to that listed in paragraph 1.5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court and I cannot change my mind if additional criminal history is discovered and the standard sentence range and the prosecuting Attorney's recommendation increases.

1.13 I have been informed and fully understand that the court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the court must impose a sentence within the standard range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard range, either I or the

State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the court's sentencing determination. I also understand that the court must sentence to a mandatory minimum term, if any, as provided in paragraph 1.14 and that the court may not vary or modify that mandatory minimum term for any reason.

- () I have been advised that the law requires that a prison term be imposed and does not permit any form of probation for the crime(s) with which I am charged.
- () I have been advised that if I am sentence to prison, my sentence must be served consecutively to my prior prison sentence for a prior felony.

1.14 I have been further advised that the crime(s) of CT I: ATTEMPTED FIRST DEGREE THEFT; CT II: SECOND DEGREE THEFT; CT III-IV: FIRST DEGREE THEFT with which I am charged carries with it a term of total confinement of not less than years. I have been advised that the law requires that a term of total confinement be imposed and does not permit any modification of this mandatory minimum term.

- (a) I have been advised that the crime(s) of _____
_____ with which I am charged is a felony sex offense. I have
been advised that the law requires that I register with
the County Sheriff where I live within thirty (30) days of
my release from confinement and/or placement on community
supervision. I have been further advised that failure to
do so is a violation of the law and punishable as either
a felony or gross misdemeanor.

1.15 I have been advised that the sentences imposed in Counts ~~III~~ IV will run (consecutively) (~~concurrently~~) unless the court finds substantial and compelling reasons to run the sentences (~~concurrently~~) (consecutively).

1.16 I have been informed and fully understand that if I am on probation or parole, a plea of guilty to the present charges will be sufficient grounds for a Judge or the parole board to revoke my probation or parole.

1.17 I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

1.18 The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) in the Information. This is my statement: on 4-16-90 I obtained
SEARCHED FROM EXCLUSIVE PLANT THROUGH DEFENDERS IN SPARKWEE CO., USA
ON 4-19-90 I OBTAINED FROM LARRY YATES A CHECK IN EXCESS OF \$1000
IN DEFENSE IN SPARKWEE CO., USA

- 1.19 I have read or have had read to me all of the numbered sections (1.1 through 1.18) above and have received a copy of "Statement of Defendant on Plea of Guilty to a Felony." I have no further questions to ask of the court.

SIGNED IN OPEN COURT:

Date: 4/29/91

TERRY EDWIN FRIIS
Defendant

II. JUDGE'S FINDINGS

The court finds that:

- 2.1 The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his/her lawyer and ~~the undersigned Judge~~, in open court;
- 2.2 The defendant's plea of guilty was made knowingly, intelligently and voluntarily.
- 2.3 The court has informed the defendant of the nature of the charge and the consequences of the plea;
- 2.4 There is a factual basis for the plea, and that the defendant is guilty as charged as indicated by the defendant's plea in section 1.7 above.

Date: 4-29-91

JOHN A. SCHULTHEIS
Judge

Mark A. Laiminger
MARK A. LAIMINGER
Deputy Prosecuting Attorney
WA State Bar ID #: 16492

Howard M. Neill
Defendant's Lawyer
WA State Bar ID#: 5296

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his/her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date: _____

Interpreter

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

FILED
MAY - 8 1990
THOMAS R. FALLONIST
SPOKANE COUNTY
CLERK

STATE OF WASHINGTON,

Plaintiff,

v.

TERRY EDWIN FRIIS
WM 010648

Defendant(s)

INFORMATION

NO. **90100691 4**

STEVEN J. NASH
Deputy Prosecuting Attorney

PA# 90-9-78655-0
RPT# 02-90-28808; 28029; 28802;
27324-0
CT I: RCW 9A.56.030(1)(a)COAT-F
(9A.28.020(1)) (#75002)
CT II: RCW 9A.56.040(1)(a)CO-F
(#75017)
CT III: RCW 9A.56.030(1)(a)CO-F
(#75001)
CT IV: RCW 9A.56.030(1)(a)CO-F
(#75001)

Comes now the Prosecuting Attorney in and for Spokane County, Washington, and charges the defendant(s) with the following crime(s):

COUNT I: ATTEMPTED FIRST DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, in Spokane County, Washington, on or about, between February 2, 1990 and February 13, 1990, with intent to commit the crime of FIRST DEGREE THEFT as set out in RCW 9A.56.030, committed an act which was a substantial step toward that crime, by attempting to wrongfully obtain and exert unauthorized control over property and services, lawful currency of the United States, belonging to Spear's Furniture, of a value exceeding \$1,500, with intent to deprive Spear's Furniture, of such property and services,

COUNT II: And the Prosecuting Attorney, as aforesaid, further charges the defendant, TERRY EDWIN FRIIS, with the crime of SECOND DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, in Spokane County, Washington, on or about March 22, 1990, did wrongfully obtain and exert unauthorized control over property and services, lawful currency of the United States, of a value exceeding \$250, belonging to Inland Audio Visual Co., with intent to deprive Inland Audio Visual Co. of such property and services,

COUNT III: And the Prosecuting Attorney, as aforesaid, further charges the defendant, TERRY EDWIN FRIIS, with the crime of FIRST DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, in Spokane County, Washington, on or about April 16, 1990, did obtain control over property and services, professional air flight services, belonging to Executive Flight, Inc., of a value exceeding \$1,500, by color and aid of deception, by means of falsely claiming to represent Tri-Star Pictures and obtaining a performance, with intent to deprive Executive Flight, Inc., of such property and services,

COUNT IV: And the Prosecuting Attorney, as aforesaid, further charges the defendant, TERRY EDWIN FRIIS, with the crime of FIRST DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, in Spokane County, Washington, on or about April 19, 1990, did obtain control over property and services, lawful currency of the United States, belonging to Larry Yates Contracting, of a value exceeding \$1,500, by color and aid of deception, by means of falsely claiming to represent Tri-Star Pictures and obtaining a performance, with intent to deprive Larry Yates Contracting of such property and services,



Deputy Prosecuting Attorney



SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff(s)

vs.

TERRY EDWIN FRIIS,

Defendant(s)

CASE NO. 90-1-00691-4

CERTIFICATE OF COPY

I, THOMAS R. FALLQUIST, county clerk, and ex officio Clerk
of the Superior Court of this county, certify that the attached is a true and correct copy of:

Document Number	Date Filed	Title
1	5/8/90	INFORMATION
31	4/29/91	STATEMENT OF DEFENDANT ON PLEA OF GUILTY TO A FELONY
36	4/29/91	JUDGMENT AND SENTENCE

In the above entitled action, as it now appears on file and of record in my office.

Dated: November 18, 1991

THOMAS R. FALLQUIST

Clerk

By

Thomas R. Martin

Deputy Clerk

(Seal)

FILED

JUN 22 1989

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

THOMAS R. FALLQUIST
SPOKANE COUNTY
CLERK

IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff,

v.

TERRY EDWIN FRIIS
WM 010648

Defendant(s)

INFORMATION

NO. 89100819 1

DENNIS J. O'SHEA
Deputy Prosecuting Attorney

PA# 88-9-74906-0
RPT# 01-88-28647-0
RCW 9A.56.030(1)(a)DE-F (#75005)

Comes now the Prosecuting Attorney in and for Spokane County, Washington, and charges the defendant(s) with the following crime(s):

FIRST DEGREE THEFT, committed as follows: That the defendant, TERRY EDWIN FRIIS, in Spokane County, Washington, on or about April 1, 1988, did obtain control over property and services, a Yamaha Clavinova piano, belonging to Music City, Inc., of a value exceeding \$1,500, by color and aid of deception, by means of paying for the piano by check without sufficient funds in his account, with intent to deprive Music City, Inc., of such property and services,

Mark A. Laiminger
Deputy Prosecuting Attorney

INFORMATION

DONALD C. BROCKETT
Spokane County Prosecuting Attorney
County-City Public Safety Building
Spokane, Washington 99260



SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

(Clerk's Date (ip)

FILED

JUN - 6 1991

THOMAS R. FALLQUIST
SPOKANE COUNTY
CLERK

STATE OF WASHINGTON,

Plaintiff(x)

VS.

TERRY E. FRIIS,

Defendant(x)

CASE NO. 89-1-00819-1

PA NO. 74906

ORDER DISMISSING CASE

I. BASIS

Plaintiff moved the court for: an Order
dismissing the above case.

II. FINDING

After reviewing the case record to date, and the basis for the motion, the court finds that:

Good cause exists; defendant has pled guilty to
3 other felony charges.

III. ORDER

IT IS ORDERED that: the above case is hereby dismissed.

Dated: 6-1-91

Presented by:

Mark A. Linsinger
D.F.A. WSBA # 16492

Harold D. Clarke
Judge

Agreed:

ORDER



SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff(s)

vs.

TERRY E. FRIIS,

Defendant(s)

CASE NO. 89-1-00819-1

CERTIFICATE OF COPY

I, THOMAS R. FALLQUIST, county clerk, and ex officio Clerk
of the Superior Court of this county, certify that the attached is a true and correct copy of:

Document Number	Date Filed	Title
1	6/22/89	INFORMATION
3	6/6/91	ORDER DISMISSING CASE

In the above entitled action, as it now appears on file and of record in my office.

Dated: November 18, 1991

THOMAS R. FALLQUIST

Clerk

By

Shirley R. Martin

Deputy Clerk

(Seal)

MARY FAULK
Director



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
Olympia, WA 98504-8001

November 13, 1991

Spokane County Clerk
W. 1116 Broadway
Spokane, WA 99260

RE: Terry Edwin Friis
Your cause #S-----891-008-191, 901-006-914, 911-001-503

Dear Clerk of the Court:

The Department of Licensing is conducting an investigation regarding the above referenced individual. Information contained in the above referenced files would facilitate this investigation.

Please provide this office with certified copies of the following documents from these files:

1. Information (Summons & Complaint)
2. Plea agreement
3. Judgement and Order

Included with this request letter is an "invoice voucher" which must be completed by your office in order to receive payment for this service. All three copies must be returned to this office.

If you have any questions or comments, please do not hesitate to contact me at (206) 586-8909. Thank you for your cooperation.

Respectfully,

A handwritten signature in cursive script, reading "William Dean", is written over a circular stamp.

William Dean, Investigator
Investigation/Legal/Audit
Professional Licensing Service
P.O. Box 2445
Olympia, WA 98507-2445

M E M O T O F I L E

DATE: 11/04/91

FROM: William Dean

CASE NO.: 90-07-0701AR

RE: Telephone interview of U.S. Probation Officer
Gonzolo Martinez by Investigator Dean.

During this telephone interview I asked Mr. Martinez the current status on Terry Edwin Friis, their file #CR-88-030-1. Mr. Martinez related Terry Friis had appeared before a U.S. Judge in May of 1991 for a probation revocation hearing. At that time Mr. Friis's probation was revoked, he was sentenced to one-hundred and twenty two days and received credit for one-hundred-twenty two days served.

According to Martinez, this revocation hearing was a result of City of Spokane proceedings against Mr. Friis for various theft charges.

Mr. Friis is no longer on probation with the U.S. Courts and his status has been such since May of 1991.

Mr. Martinez could offer no other information regarding the City of Spokane's action against Terry Friis.

**DEPARTMENT OF LICENSING
Professional Licensing Services**

DATE: November 1, 1991

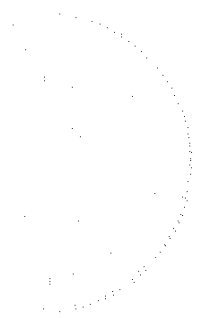
TO: William Dean, PLS Investigator

FROM: Jim Hanson, Program Administrator *J. Hanson*
Architects and Landscape Architects
753-6967

SUBJECT: Investigation #90-07-0701AR; FRIIS, Terry Edwin

Exhibit 3, Memo to File, telephone interview with Det Doug Scott, reveals that FRIIS was awaiting trial on "theft by deception" charges, case numbers 90-27324, 90-28029, 90-28802, and 90-28808. Request information on the disposition of these charges.

Request information on the status of suspended sentence for the US District Court conviction at Exhibit 6, case number CR-88-030-1. Was the probation set aside, was the suspended sentence invoked?



CASE INTAKE FORM

CASE NUMBER	PTY	IPTS	TASK	PROFESSION	DATE RECEIVED
90-07-0701AR	3			Architects	07-20-90
INVESTIGATOR				ADMINISTRATIVE CASE #	DATE ASSIGNED
Bill Dean					07-23-90
DISPOSITION				DATE CLOSED	DATE PFMD
Administrative				07-18-90	10-09-90
RESPONDENT(S)				COMPLAINANT(S)	
Friis, Terry Edwin				Creager, Evelyn (X'Sec)	
				Spokane Chapter AIA	

ACTIVITY REPORT

[illegible]

 **SPOKANE CHAPTER**
P.O. BOX 2204, SPOKANE, WA 99210

AMERICAN INSTITUTE OF ARCHITECTS

July 17, 1990

James D. Hanson, Executive Secretary
Washington State Board of Registration for Architects
Department of Licensing
P. O. Box 9012
Olympia, WA 98504

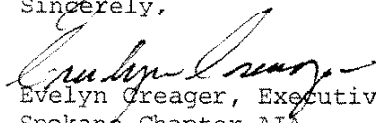
Dear Jim:

Timothy Rundquist, President of Spokane Chapter AIA, asked that I send you the enclosed article regarding Terry Edwin Friis, a licensed architect in the state of Washington, #2825. As a follow-up to this, our office received a telephone call late in May from a woman who identified herself as a police woman. She was asking for information regarding the architectural registration of Helene Friis, wife of Terry Friis. Our response was that, to the best of our information, Helene Friis is not a licensed architect in this state but that the final word rests with your office since we frequently do not know of those who are recently licensed. The police woman volunteered during that phone call that Terry Friis was in jail at that time. We have seen no further newspaper articles on this subject.

President Rundquist emphasized that he is in no way undertaking a "witch hunt" in this matter. He is simply interested in preserving the integrity of the Washington State Licensing Law and the architectural profession.

Since Mr. Friis is in our chapter area, we would be most interested in the findings of your investigator.

Sincerely,


Evelyn Greager, Executive Secretary
Spokane Chapter AIA

Enclosure: copy of April 26, 1990, news article

RECEIVED
JUL 19 1990

M E M O T O F I L E

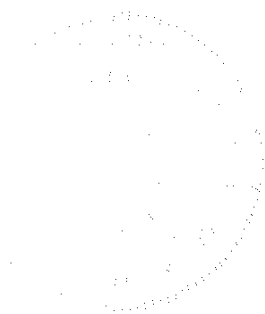
DATE: 08/03/90

TIME: 1:30PM

CASE NO.: 90-07-0701AR

RE: Telephone interview of Mr. Gonzolo Martinez of the U.S. Probation Office in Spokane by Investigator Dean.

During this telephone interview, I related to Mr. Martinez that I had been in contact with Detective Doug Scott of the Spokane Police Department who referred me to the U.S. Probation Office. Mr. Martinez related that Mr. Terry Edwin Friis was currently on probation with the U.S. Probation Office for the Federal Crime of "Making a false statement on a loan application". Mr. Martinez further related that this probation resulted from a 1988 conviction in Federal District Court (Spokane). Mr. Martinez provided the case # as CR-88-030-1 and referred me to the U.S. District Court Clerk's office for documents.



Arrest seen as caper to trio of con jobs

Police/fire

A Spokane Valley man was arrested at the Opportunity Post Office last Thursday in connection with an apparent attempt to con a Spokane contractor out of \$5,000.

Terry Edwin Frits, 42, of E11923 21st was charged with first-degree theft by deception after Spokane police officers watched him remove the money from a post office box, a police report said.

He also was charged with second-degree theft by deception in connection with the fraud of a Spokane retailer. And police detectives are investigating Frits in connection with a third fraud, of a Wenatchee airline.

Police would not identify the contractor or any of the other businesses.

Spokane Police Detective Doug Scott said the post office box was identified as the drop site for the money by a man who identified himself as Paul Thomas. Thomas was supposed to be a representative of Diversified Investments International, which Scott said is a fictitious subsidiary of a real California film company.

"He was using the name of a legitimate film company under the pretense that they would be doing some filming in the Spokane area and would need to have some sets constructed," said Scott.

According to Scott, the caller said he would assure that the contractor would be awarded any contracts for set construction if the contractor provided \$5,000 for a bond. The money would be refunded after the work was completed, the caller said. But after several phone conversations, the contractor became suspicious because

Thomas wouldn't leave a phone number, Scott said.

"A phone call to the film company confirmed that they didn't know (Thomas)," Scott said.

After police were contacted, the contractor agreed to the caller's stipulations. Police then put the money in the box and arrested Frits when he showed up to claim it.

The second-degree theft charge was made in connection with the defrauding of a Spokane retail outlet that was contacted earlier this month by a man who identified himself as Paul Davis from Diversified Investments International, said police Sgt. Earl Ennis.

The caller told the retailer he was looking for a particular style of conference table that the retailer didn't carry, Ennis said. In the days that followed, Davis called the retailer several times, stating he had found a table he liked at a wholesale outlet. "He was trying to convince them to buy it so that they could buy it from him," Ennis said.

On April 13, the retailer agreed to purchase the table wholesale and an employee was sent to the shipping door at an address specified by Davis. The employee paid \$1,100 for a box supposedly containing the table.

"When they got it back (to the retail outlet) and opened it up, it was actually just scrap pieces of wood inside," Ennis said.

The building was later found to be vacant.

In the third fraud police are investigating, a man identifying himself as

T.E. Jamison, an employee of a California film company, flew from Spokane to Bermuda Dunes, Calif., in a jet chartered from a Wenatchee airline.

The film company later refused to pay the bill, saying it had no employee named Jamison in Spokane and had not requested the flight.

The caller who made the plane reservations identified himself as Paul Thomas and said he was one of Jamison's colleagues, Scott said.

BUY EXTINGUISHER, GET BURNED:

Two men posing as Veterans of Foreign Wars members sold a fire extinguisher to a Spokane Valley gasoline station for \$40 on April 16, falsely claiming the proceeds would benefit the organization, according to sheriff's Lt. Dick Lovejoy. The two pulled the same scam on several other Spokane stations early in the week, according to Lovejoy.

"I called the Veterans of Foreign Wars and they told me it was a scam," said John Scheele, manager of the Exxon station at N2404 Argonne.

The same extinguisher sellers have tricked station operators in Renton and Bellevue, said Jim King, VFW junior vice commander. And the scam has also worked in California and Oregon, King said.

King explained the method of operation.

First, the con men went to gasoline stations after daytime working hours, when a manager or owner was no longer there. They would mention the owner by name and claim to an employee, usually a young one, that the boss had purchased a \$40 extinguisher to be paid for upon delivery, he said.

In exchange for the extinguisher, the sellers would give the attendant a "certificate of appreciation" stamped with the seal of what was supposed to be the sponsoring organization.

Once it became aware of what was going on, Spokane VFW people contacted the Better Business Bureau in Spokane and veterans offices in Idaho and Montana.

The con men apparently run a fly-by-night operation, King said. King received a call from Yakima authorities the same day the Valley Exxon employee purchased the overpriced extinguisher.

TRAILERS BURN: One travel trailer was destroyed and two others damaged in a fire late Monday on East Sprague, Spokane firefighters said.

Cause of the 10 p.m. fire at E4023 Sprague remains under investigation. The door of one trailer was open when firefighters arrived. No injuries were reported.

A fire dispatcher said the trailers were located on property managed by Johnson Trailer Sales.

OWNER SAVES HOME: A north Spokane County resident who reported a fire at his home April 18 managed to douse the blaze before firefighters arrived.

The roof of the house at E29629 Elk-Chattahoochee Road caught fire about 2:30 p.m. After reporting the blaze, the homeowner climbed on top of his home and used a garden hose to extinguish the small fire.

No injuries were reported, a dispatcher said. The fire was still smoldering, but the house was saved when the firefighters got there.

Spavin
on
Pool Chemicals
21% OFF
50 BIG
B-7
CHILD
SALE
PRICE
N 9111 Country Home
E 13524 Sprague
S 2926 Regal 53
OPEN 5-530 Mon-Fri

Moore's
PAINTS
ALL
Exterior
25%
OFF Thru 5/5/90

M E M O T O F I L E

DATE: 08/03/90

TIME: 10:00AM

CASE NO.: 90-07-0701AR

RE: Telephone interview of Detective Doug Scott of the City of Spokane Police Department by Investigator Dean.

During this telephone interview Detective Doug Scott related that he was the investigating officer involved in the Terry Friis case. Mr. Scott related that Mr. Friis was currently awaiting trial for indictments in Spokane of "theft by deception". Det. Scott further indicated that case numbers related to the Friis investigation were 90-27324, 90-28029, 90-28802 and 90-28808. Additionally, Det. Scott indicated that his file showed Mr. Friis had been convicted in Federal Court in 1988 of Felony Theft-- Falsifying a loan application. According to Mr. Scott's file, Mr. Friis was still on probation for this Federal conviction, and that I could obtain additional information by contacting Mr. Al Solinsky of the U.S. Probation Office at (509) 353-2382.

End of interview.

MARY FAULK
Director



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

211 12th Avenue SE, PB-01 • Olympia, Washington 98504-6001 • (206) 753-6918

August 03, 1990

Mr. Bruce Anderson
U.S. District Court Clerk
P.O. Box 1493
Spokane, Wa 99210

RE: Your file #CR-88-030-1, TERRY EDWIN FRIIS

Dear Mr. Anderson:

Pursuant to our telephone conversation earlier today, I am sending this request for certified copies of the following documents regarding the above referenced file.

1. One page Indictment.
2. Three page Judgement.

Once again, thank you for your help and cooperation in this matter. If there's anything I can help you with please don't hesitate to call.

Respectfully,

A handwritten signature in cursive script that reads "William Dean".

William Dean
Investigation, Legal and Audits
P.O. Box 2445
Olympia, Wa 98507-8023

FEB 11 1988

BA [Signature] Clerk
[Signature] Deputy

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CR-88-030-S

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY EDWIN FRIIS,

Defendant.

INDICTMENT

Vio: 18 U.S.C. 1014

False Statement on Loan
Application (Count 1)

The Grand Jury charges:

That on or about May 28, 1985, at Spokane, in the Eastern District of Washington, TERRY EDWIN FRIIS, did knowingly, willfully and unlawfully make a false statement, report or did overvalue real property for the purpose of obtaining a loan from Seattle First National Bank, the deposits of which were insured by the Federal Deposit Insurance Corporation, all in violation of 18 U.S.C. 1014.

DATED this 9 day of February, 1988.

A TRUE BILL

William S. Child
Foreman

JOHN E. LAMP
United States Attorney

James R. Shively
JAMES R. SHIVELY
Assistant United States Attorney

INDICTMENT - 1

CRIND;FRIIS/11

United States District Court

MAY 26 1989

EASTERN District of WASHINGTON

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE
UNDER THE SENTENCING REFORM ACT

TERRY EDWIN FRIIS

Case Number CR-88-030-1

(Name of Defendant)

Robert Henderson

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) Count 1
☐ was found guilty on count(s) _____ after a
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Count Number(s)
-----------------	-------------------	-----------------

18 USC 1014	False Statement on Loan Application	1
-------------	-------------------------------------	---

The defendant is sentenced as provided in pages 2 through 3 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
☐ The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
☐ It is ordered that the defendant shall pay to the United States a special assessment of \$ _____, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

Defendant's mailing address:

Defendant's residence address:

May 12, 1989

Date of Imposition of Sentence

Signature of Judicial Officer

Robert J. McNichols, U.S. Dist. Judge
Name & Title of Judicial OfficerMay 26 1989
Date

78

Defendant: TERRY EDWIN FRIIS
Case Number: CR-88-030-1

PROBATION

The defendant is hereby placed on probation for a term of 5 years

While on probation, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this Judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

The defendant shall serve 4 weekends in a jail facility, to be served as directed by the Probation Office.

The defendant shall serve 200 hours of community service at time and manner as directed by the Probation Office.

The defendant shall submit bi-monthly reports to the Probation Office advising them of his activity and whereabouts

Defendant: TERRY EDWIN FRIIS
Case Number: CR-88-030-1

Judgment—Page 2 of 3**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Imposition of Sentence Suspended.

☐ The Court makes the following recommendations to the Bureau of Prisons:

- ☐ The defendant is remanded to the custody of the United States Marshal.
☐ The defendant shall surrender to the United States Marshal for this district,

☐ at _____ a.m.
_____ p.m. on _____.

☐ as notified by the Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____, with a certified copy of this Judgment.

United States MarshalBy _____
Deputy Marshal



STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642
(208) 334-3233
FAX (208) 334-3945

April 6, 1995

Joyce J. McCown
Division III Court of Appeals
C/O P. O. Box 2159
Spokane, WA 99210

Re: Terry E. Friis
Spokane County Cause No. 93-1-01765-1
Appeals Case No. 14446-1-III

Dear Ms. McCown:

Enclosed at the request of Terry E. Friis, is a copy of the Consent Order entered into by the parties in connection with a proposed disciplinary action to be filed before the Idaho State Board of Architect Examiners.

A duplicate of this letter and the attachment are being mailed to Mr. Friis as per his request.

If you have any questions in this regard, please don't hesitate to call.

Sincerely,

Kay C. Manweiler
Deputy Attorney General

kcm
enclosure
cc: Terry E. Friis w/enclosure

Office of the Attorney General
State of Idaho
State Capital
Boise, Idaho 83707

RECEIVED
APR 06 1995
OCCUPATIONAL LICENSES

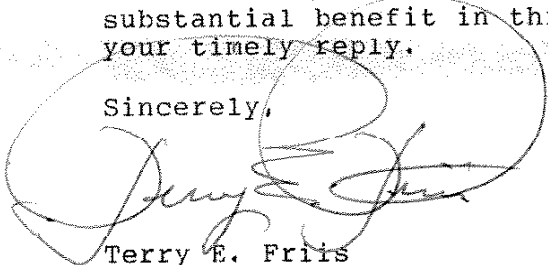
Re: Revocation of Architectural License
Terry E. Friis

Dear Sir:

Pursuant to the above referenced matter, please forward all pertinent documents and records from the Department of Occupational Licenses-Architectural Division, concerning the revocation of my license to practice architecture in the State of Idaho, to the Division III Court of Appeals, c/o P.O. Box 2159, Spokane, WA 99210, attn: Joyce J. McCown, re: Spokane County Cause No. 93-1-01765-1 and Appeal Case No. 14446-1-III. Please forward a courtesy copy of the same documentation to Terry E. Friis, #979130, c/o P.O. Box C, Medical Lake, WA, 99022. This information is material to an on-going appeal proceeding in my behalf, and must be provided poste haste, in order to preserve my constitutional rights.


Your assistance and expeditious response will be of substantial benefit in this issue, and I look forward to your timely reply.

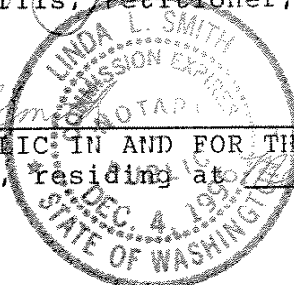
Sincerely,


Terry E. Friis

DATED this 31st day of March 1995


Terry E. Friis, Petitioner, Pro Se


NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, residing at Medical Lake



Note: Attorney General - Attach this document to records submitted

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON,)
Plaintiff,)
v.)
TERRY EDWIN FRIIS,)
Defendant.)

No. 93-1-01765-1

SUPPLEMENTAL SUBMITTAL TO
PERSONAL RESTRAINT PETITION
IDENTIFIED AS ATTACHMENT E

Terry Edwin Friis, Defendant, hereby submits Attachment E,
in support of the Personal Restraint Petition dated March 21, 1995.

STATE OF WASHINGTON)
County of Spokane) SS.

I, Terry Edwin Friis, being duly sworn upon oath, deposes
and states for the record:

1. I am the Defendant herein and my date of birth is January 6,
1948.

2. I was sentenced in the above referenced Spokane County
Cause on November 7, 1995.

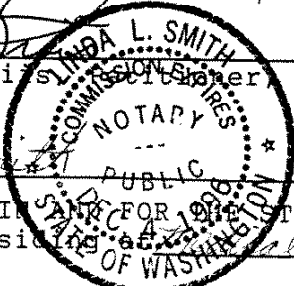
3. I filed a Notice of Appeal in the above referenced Spokane
County Cause on November 7, 1995.

4. I submitted a Personal Restraint Petition to the Division
III Court of Appeals, State of Washington, on March 21, 1995 and
forwarded said PRP via first class, certified mail, return receipt
requested, on March 21, 1995.

5. My professional licenses to practice Architecture were
revoked in accordance with applicable civil administrative codes
for the State of Washington and the State of Idaho, as described
and supported by the documents which are enclosed and identified
as Attachment E, Personal Restraint Petition, Terry Edwin Friis,
and are to be considered a formal, integral part to said Personal
Restraint Petition.

DATED this 31st day of March, 1995.


Terry Edwin Friis, Pro Se


Linda L. Smith
NOTARY PUBLIC
STATE OF WASHINGTON
NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, residing at 1000 1st Ave.

Rec'd 12/26/95
Tef

THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE STATE OF IDAHO, ADA COUNTY JURISDICTION

State of Idaho	)	AR-01-93-012
Board of Architectural Examiners,	)	Revocation of License to
Plaintiff,	)	Practice as an Architect
v.	)	Case No. <u>CV019506365D</u>
Terry Edwin Friis,	)	PETITION FOR REVIEW
Licensee/Defendant/Petitioner.)	

Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se, hereby moves the Court to grant this Petition for Review, in the above named civil administrative agency cause.

I, Terry Edwin Friis, hereby state for the record the following facts:

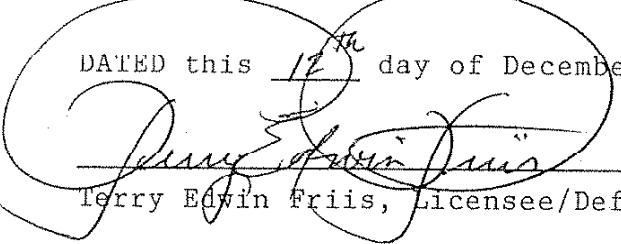
1. I am the Licensee/Defendant/Petitioner, Pro Se in Case No. AR-01-93-012.
2. My date of birth is January 6, 1948.
3. My Idaho Architect's License is No. AR-868.
4. My state of residence is Washington.
5. My current mailing address is in care of the Coyote Ridge Corrections Center, P.O. Box 769, Camas D8, Connell, Washington, 99326-0769.
6. I was the defendant in Federal Eastern District Cause No. CR-88-030-S, and successfully completed all requirements of the judgment and sentence, prior to revocation of my Idaho Architects License No. AR-868.
7. I was the defendant in Spokane County Superior Court Cause No.'s 90-1-00691-4 and 91-1-00150-3, and successfully completed all requirements of the judgment and sentence, in both causes, prior to revocation of my Idaho Architects License No. AR-868.

PETITION FOR REVIEW

8. The Idaho State Board of Architects revoked my license to practice as an Architect on May 9, 1994, through the adoption and issuance of Consent Order, Case No. AR-01-93-012.
9. On August 21, 1995, I submitted a formal request for reinstatement of my license to practice as an Architect to the State of Idaho Board of Architectural Examiners.
10. The Idaho Board of Architectural Examiners acknowledged receipt of my formal request for reinstatement, through the Office of the Attorney General for the State of Idaho, on August 30, 1995, advising that the Board would review my request during the regular session on Sept. 8, 1995.
11. The Idaho Board of Architectural Examiners issued a formal letter denying my request for reinstatement, on or about September 2, 1995, on the basis that I had voluntarily entered into the Consent Order issued on May 9, 1994, as a part of a negotiated settlement of a disciplinary matter. It should be noted that I do not have a copy of this letter, as it was forwarded to my home address in Spokane, Washington, rather than to my current mailing address.
12. On October 30, 1995, I submitted a formal request for reconsideration of reinstatement of my Idaho Architects License No. AR-868 to the Board of Architectural Examiners for the State of Idaho.
13. The Idaho Board of Architectural Examiners issued a final Order on Petition for Reconsideration, Case No. AR-01-93-012, on November 8, 1995, denying my request for reinstatement, and noting this decision to be a final agency action.
14. Pursuant to Idaho Code §67-5270 through §67-5279, I am formally requesting this final decision of the Idaho Board of Architectural Examiners be reviewed by the Fourth Judicial District Court, in and for the State of Idaho, Ada County jurisdiction.

15. Pursuant to Idaho Code §67-5271, all administrative remedies have been exhausted in this Case No. AR-01-93-012.
16. The Idaho Board of Architectural Examiners, by and through the civil administrative agency action revoking my license to practice as an Architect, in Case No. AR-01-93-012, has violated my constitutional right to protection against multiple punishments for the same offense, as provided for in the 5th Amendment of the United States Constitution.
17. The attached Memorandum in Support of this Petition for Review sets forth the basis in law for the requested relief, and clearly establishes the grounds for reinstatement of my Idaho Architects License No. AR-868.

DATED this 12th day of December, 1995.


Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se

Rec'd 12/26/95
RF

THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE STATE OF IDAHO, ADA COUNTY JURISDICTION

State of Idaho	)	AR-01-93-012
Board of Architectural Examiners,	)	Revocation of License to
Plaintiff,	)	Practice as an Architect
v.	)	Case No. <u>CV069506365D</u>
Terry Edwin Friis,	)	MEMORANDUM IN SUPPORT OF
Licensee/Defendant/Petitioner.	)	PETITION FOR REVIEW

I. INTRODUCTION

This matter comes before the Court in accordance with the provisions of Idaho Code §67-5270 through §67-5279, which provides for judicial review of the agency action in Case No. AR-01-93-012, wherein the Idaho State Board of Architectural Examiners issued a final order denying the reinstatement of Terry Edwin Friis' license to practice as an Architect No. AR-868, which was originally revoked by Consent Order on May 9, 1994.

The Court is hereby formally requested to grant Mr. Friis' Petition for Review of the Final Order on Petition for Reconsideration of Reinstatement of Licensure, and the agency actions of the Idaho Board of Architectural Examiners in Case No. AR-01-93-012.

The basis for review is supported and provided for by Idaho law, as stated hereinabove, and is further predicated upon the violation of Mr. Friis' 5th Amendment constitutional protection against the imposition of multiple punishments for the same offense, which constitutes double jeopardy.

II. STATEMENT OF FACTS

I was the defendant in Federal Eastern District Court Cause No. CR-88-030-S, and successfully completed all requirements of

the judgment and sentence, prior to the revocation of my Idaho Architects License No. AR-868.

I was the defendant in Spokane County Superior Court Cause No.'s 90-1-00691-4 and 91-1-00150-3, and successfully completed all requirements of the judgment and sentence, prior to the revocation of my Idaho Architects License No. AR-868.

The Idaho State Board of Architects revoked my license to practice as an Architect on May 9, 1994, through the adoption and issuance of Consent Order, Case No. AR-01-93-012, signed by the Chairman of the Board on the same date. As the respondent, I signed this order on May 16, 1994. Voluntary participation in this action waived my right to have a complete and full hearing, however, it did not preclude my constitutional protection against double jeopardy.

On August 21, 1995, Mr. Friis submitted a Formal Request for Reinstatement of his Architects License No. AR-868 to the Idaho Board of Architectural Examiners.

On August 30, 1995 the Idaho Board of Architectural Examiners issued formal acknowledgement of Mr. Friis request for reinstatement, by and through the Office of the Idaho Attorney General, advising that the Board would review said request during the September 8, 1995 regular session.

On or about September 2, 1995, the Idaho Board of Architectural Examiners issued a formal letter denying Mr. Friis' initial request for reinstatement of Architects License No. AR-868, indicating that Mr. Friis had voluntarily entered into Consent Order. Case No. AR-01-93-012, dated May 9, 1994, as a part of a negotiated settlement of a disciplinary matter, and insodoing, had given up any right to consideration for reinstatement, until the

seven (7) year term of revocation had expired. Mr. Friis does not have a copy of this letter, in that it was forwarded to his home address, in Spokane, Washington, rather than his current mailing address.

On October 30, 1995, Mr. Friis submitted a Formal Request for Reconsideration of Reinstatement of Idaho Architects License No. AR-868, to the Idaho Board of Architectural Examiners for further review, based upon the merits of the double jeopardy arguments, barring multiple punishments for the same offense, as presented therein.

On November 8, 1995, the Idaho Board of Architectural Examiners issued a Final Order on Petition for Reconsideration, denying Mr. Friis' request for reinstatement of Idaho Architects License No. AR-868.

On November 20, 1995, Mr. Friis submitted a Notice of Intent to Appeal the final agency decision of Idaho Board of Architectural Examiners in Case No. AR-01-93-012 to the Idaho Attorney General, and formally requested information outlining procedures necessary to seek judicial review of the Board's final action in this matter.

On November 27, 1995, the Idaho Attorney General forwarded the information outlining procedures associated with the judicial review of the Idaho Board of Architectural Examiners final agency action to Mr. Friis, including photocopies of the Idaho Code §67-5270 through §67-5279.

On December 6, 1995, Mr. Friis submitted formal pleadings to the Fourth Judicial District Court, Ada County, Boise, Idaho, including Motion & Order to Proceed In Forma Pauperis, Petition for Review and Memorandum in Support of the Petition for Review.

On December 7, 1995, Ms. Molly Reed, Deputy Clerk of the District Court for Ada County, returned Mr. Friis' pleadings because they were not prepared in accordance with the legal format outlined in Rule 10 (a)(1), pursuant to filing procedures prescribed by the Clerk of the Fourth District Court, Mr. J. David Navarro.

On December 11, 1995, Mr. Friis received the formal pleadings with an attached cover letter, together with a copy of Rule 10 (a)(1) check list for use in reformatting the original pleadings, and instructions pertaining to resubmittal of the pleadings.

III. DISCUSSION

The double jeopardy clause of the 5th Amendment of the USCA protects against three (3) distinct abuses: a second prosecution for the same offense after acquittal; a second prosecution for the same offense after conviction; and multiple punishments for the same offense. United States v. Halper, 490 U.S. 435, 440 (1989). The last of these protections, the one at here, implicates the core of the double jeopardy clause, for the prohibition against multiple punishments is a principle deeply ingrained in the Anglo-American system of jurisprudence, and, in fact, traces its' roots far into Greek and Roman times. See United States v. \$405,089.23 U.S. Currency, No. 93-55947, slip op., ___F3d___, 1994 WL 476736 at *1,*2,*3, (9th Cir. Sept. 6, 1994); See also Halper, 490 U.S. at 440 citing Ex Parte Lange, 18 Wall 163, 168 (1874). The prohibition against multiple punishments, however, is only triggered where the government seeks to impose the punishments in separate proceedings. Halper, 490 U.S. at 450.

The month of September, 1994 saw several different cases that radically changed the state of forfeiture law and the con-

cept of "punishment" within the Ninth Circuit. See United States v. One 1978 Piper Cherokee Aircraft, No. 92-15350, slip op., __F.3d__, 1994 WL528447 (9th Cir. Sept. 30, 1994); United States v. \$405,089.23 U.S. Currency, No. 93-55947, slip op., __F.3d__, 1994 WL 476736 (9th Cir. Sept. 6, 1994); Quinones-Ruiz v. United States, No. 94-0050-IEG (BTM), slip op., __F. Supp.__, 1994 WL 531313 (S.D. Cal. Sept. 23, 1994); United States v. McCaslin, No. CR-90-165WD, slip op., __F. Supp. __, 1994 WL 494764 (W.D. Wash. Sept. 6, 1994). The 9th Circuit Court's recent position, however, was foreshadowed by the Supreme Court's decisions in United States v. Halper, 490 U.S. 435 (1989) and United States v. Austin, __U.S. __, 113 S. Ct. 2801 (1993). In Halper, the Supreme Court held that, under the double jeopardy clause, a defendant who has already been punished in a criminal prosecution may not be subjected to an additional civil sanction to the extent that the second sanction cannot be fairly be characterized as remedial, but only as a deterrent or retribution. Id. at 448-49. The Supreme Court extended the rationale of Halper to a civil forfeiture action brought under 21 U.S.C. §881 (a)(7) in United States v. Austin, 113 S. Ct. 2801, 125 L. Ed. 2d 448 (1993) the Supreme Court considered the general question of whether the excessive fines clause of the 8th Amendment applied to "in rem" forfeitures of property (of) under 21 U.S.C. §881 (a)(7) and (a)(4). Id. at 2803. As a part of this question, the Court also addressed the specific sub-issue of whether civil "in rem" forfeiture action could be considered punishment. Id. at 2810. The 9th Circuit affirmed the proposition that civil "in rem" forfeiture action constitutes punishment for purposes of double jeopardy. See \$405,089.23 U.S. Currency, slip op., 1994 WL 476736 at *1.

In the face of Austin, Halper, and \$405,089.23 U.S. Currency, the Fourth Judicial District Court for the State of Idaho should, just as the U.S. Supreme Court has, and most recently as the U.S. Eastern District Court has, in written opinion for U.S. v. Oakes, (Oct. 21, 1994), have no choice but to conclude that civil for-

feiture constitutes punishment. Implicit in this conclusion must be the finding that the civil forfeiture of Mr. Friis' personal property, in the form of his professional license to practice as an Architect in the State of Idaho, in addition to his criminal prosecution and subsequent sentencing in the before-noted causes referenced in Section II, violated Mr. Friis' 5th Amendment protection against multiple punishments for the same offense.

IV. CONCLUSION

The revocation of Mr. Friis' license to practice as an Architect in the State of Idaho was a separate, civil agency action brought about as a result of the prior criminal convictions in the noted cases referenced in Section II. This action constitutes a deterrent, retributive punishment and clearly violates Mr. Friis' constitutional protection against multiple punishments for the same offense.

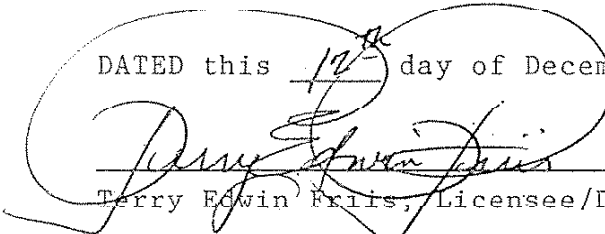
Upon review of the compelling facts and issues in this matter, substantial basis in cited, controlling case law exists to support this request that the action of the Idaho Board of Architectural Examiners be set aside, in whole, and remanded for reinstatement of Mr. Friis' Idaho Architects License No. AR-868, in accordance with the previous Petitions for Reinstatement, presented to the Board by Mr. Friis, as noted hereinbefore.

In accordance with Idaho Code §67-5270 through §67-5279, the Court must find that the agency's findings, inferences, conclusions, and decisions are in violation of the United States Constitution, under the 5th Amendment, which bars double jeopardy. Therefore, the final Order of the the Idaho Board of Architectural Examiners, denying reinstatement of Mr. Friis' Idaho Architects License No. AR-868, must be set aside, and any further delay in obtaining a prompt determination of the issues would be detrimental.

tal to Mr. Friis, as well as the public interest. Furthermore, the constitutional arguments concerning multiple punishments for the same offense, will have significant precedential value, as the actions of the Idaho Board of Architectural Examiners, coupled with those of the Idaho Attorney General's office, exceed the limits of their constitutional authority, and violate Mr. Friis' protection from the imposition of multiple punishments for the same offense, which constitutes double jeopardy.

Therefore, there is both basis and cause for the Fourth Judicial District Court for the State of Idaho to enter a favorable finding in support of the attached Petition for Review, and grant the relief sought by Mr. Friis.

DATED this 12th day of December, 1995.



Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

TERRY EDWIN FRIIS,
Licensee/Petitioner,

v.

IDAHO BOARD OF ARCHITECTURAL
EXAMINERS,

Respondent.

)
)
) Case No. CVOC-95-06365*D
)

) **MOTION FOR RECONSIDERATION**
)
)
)

Petitioner, Terry Edwin Friis, hereby moves the Court to reconsider the matters of Motion & Order to Proceed In Forma Pauperis, Petition for Review, and Memorandum in Support of the Petition for Review in the above referenced case.

The preservation of the Petitioner's appeal rights is dependent upon timely filing of the necessary pleadings, and the Court received said pleadings on December 19, 1995. The Court is asked to give additional consideration to the significance of the arguments presented therein, and grant the Petitioners request to proceed in this cause.

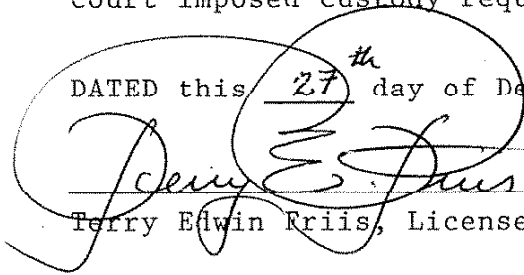
The issues of double jeopardy have only recently been clarified and the consideration of the civil administrative decision of the Idaho Board of Architectural Examiners is in direct conflict with the recent rulings of the Supreme Court, which constitutes a violation of the Petitioner's 5th Amendment protection against multiple punishments for the same offense. The fact that the Petitioner signed a consent to an order does not alter or diminish the fact that such action is clearly viewed as excessive, unconstitutional and beyond the limits of the authority of the Idaho Board of Architectural Examiners.

Therefore, there is basis and cause for the Fourth Judicial District Court to enter a favorable finding in support of

the attached Motion and Order to Proceed In Forma Pauperis, Petition for Review, and give careful consideration to the arguments set forth in the Memorandum in Support of the Petition for Review.

The Petitioner's license to practice as an Architect in the State of Idaho is of significant value, in that it provides the means by which the Petitioner will become gainfully employed, upon leaving the custody of the Washington State Department of Corrections, following completion of all court imposed custody requirements.

DATED this 27th day of December, 1995


Terry Edwin Friis, Licensee/Petitioner, Pro Se

COPY
NO. 12/26/95
FILED
DEC 12 1995
JEF

THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE STATE OF IDAHO, ADA COUNTY JURISDICTION

RECEIVED
JAN 04 1996
OCCUPATIONAL LICENSE

State of Idaho) AR-01-93-012
Board of Architectural Examiners,) Revocation of License to
Plaintiff,) Practice as an Architect
v.) Case No. (VDA9506365D)
Terry Edwin Friis,) PETITION FOR REVIEW
Licensee/Defendant/Petitioner.) MOTION & ORDER TO PROCEED
IN FORMA PAUPERIS

I. MOTION

Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se, hereby moves the Court for an Order to Proceed In Forma Pauperis in the above named cause, due to his indigency and inability to pay for all Court costs and fees associated with the Petition for Review by the Fourth District Court, in and for the State of Idaho, Ada County Jurisdiction.

II. BASIS

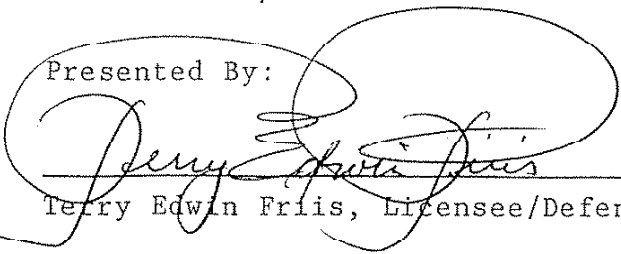
Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se, is currently unemployed and completing court imposed custody requirements in the State of Washington, under the supervision of the Department of Corrections.

III. ORDER

It is hereby Ordered that Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se, will be allowed to proceed in forma pauperis in this cause, waiving all costs and fees associated with all proceedings in this matter.

DATED this 12th day of December, 1995.

Presented By:


Terry Edwin Friis, Licensee/Defendant/Petitioner, Pro Se

MOTION & ORDER TO PROCEED
IN FORMA PAUPERIS - PG 1

DATED this _____ day of _____, 19____.

Presiding Judge



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

BOISE 83720

ALAN G. LANCE
ATTORNEY GENERAL

KAY C. MANWEILER
DEPUTY ATTORNEY GENERAL

BUREAU OF OCCUPATIONAL LICENSES
1109 MAIN STREET, ST. 220
BOISE, IDAHO 83702
TEL: (208) 334-8333
FAX: (208) 334-3945

November 27, 1995

Terry E. Friis 797130
Coyote Ridge Corrections Center
P. O. Box 769, Camas D8
Connell, WA 99326-0769

Dear Mr. Friis:

I have received and reviewed your recent request for information concerning your intent to appeal from the Idaho State Board of Architectural Examiner's recent denials of both your request for reinstatement in Case No. AR-01-93-012 and your subsequent request for reconsideration of that decision.

Enclosed for your reference are copies of Idaho Code Sections 67-5270 through 67-5279. These are the provisions of the Idaho Administrative Procedures Act which address your rights regarding appeals from final agency action in a contested case setting. Other provisions of Idaho law, including the Idaho Court Rules, and rules of civil procedure, may apply to the filing and processing of your appeal. The right to appeal from the Idaho Board decision is a right accorded you under Idaho law, it may well be inconsistent with your rights under Washington law. You may wish to seek the assistance of an Idaho licensed attorney with respect to the filing of an appeal in this state.

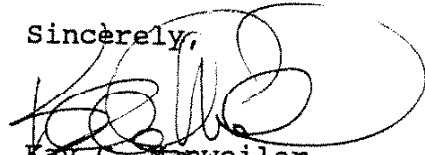
The Ada County, Idaho, Fourth Judicial District Court is the district court of the county in which the action was taken, the licensure records are held, the business office of the board is located, and the hearing was conducted. Section 67-5272, Idaho Code, specifically addresses venue for the filing of an appeal. The mailing address for the Fourth District Court is 514 W. Jefferson, Boise, ID 83702-5959; the clerk of the court may be reached by telephoning (208) 364-2000.

As my client is the Idaho Board of Architectural Examiners, and the appeals process involves the civil courts, rather than the administrative process, I am not at liberty to offer you any further advice or assistance concerning the filing or processing

Friis, page two.

of your appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray C. Manweiler', written over the printed name.

Ray C. Manweiler
Deputy Attorney General

kcm
enclosure

Suspension Prior to Hearing.

Where substantial evidence existed that an emergency situation existed at a licensed shelter home, the hearing officer's decision to suspend the license prior to the scheduled hearings required by § 39-3303 and this section did not deny the shelter's owners procedural due process, since, even if the suspen-

sion effectively terminated the owners' provisional license and adversely affected their economic interests, such interests were of lesser importance than the safety and welfare of the residents. *Van Orden v. State, Dep't of Health & Welfare*. 102 Idaho 663, 637 P.2d 1159 (1981).

67-5255. Declaratory rulings by agencies. — (1) Any person may petition an agency for a declaratory ruling as to the applicability of any order issued by the agency.
 (2) A petition for a declaratory ruling does not preclude an agency from initiating a contested case in the matter.
 (3) A declaratory ruling issued by an agency under this section is a final agency action. [I.C., § 67-5255, as added by 1992, ch. 263, § 40, p. 783.]

Compiler's notes. Section 41 of S.L. 1992, ch. 263 contained repeals and § 42 is compiled as § 67-5270.

67-5256 — 67-5269. [Reserved.]

67-5270. Right of review. — (1) Judicial review of agency action shall be governed by the provisions of this chapter unless other provision of law is applicable to the particular matter.

(2) A person aggrieved by final agency action other than an order in a contested case is entitled to judicial review under this chapter if the person complies with the requirements of sections 67-5271 through 67-5279, Idaho Code.

(3) A party aggrieved by a final order in a contested case decided by an agency other than the industrial commission or the public utilities commission is entitled to judicial review under this chapter if the person complies with the requirements of sections 67-5271 through 67-5279, Idaho Code. [I.C., § 67-5270, as added by 1992, ch. 263, § 42, p. 783.]

Compiler's notes. Section 41 of S.L. 1992, ch. 263 contained repeals and § 40 is compiled as § 67-5255.

Sec. to sec. ref. Sections 67-5270 through 67-5279 are referred to in § 41-227.

Inadequate Findings of Fact.

Where the Department of Health's findings of fact were inadequate to support its decision that nursing home exceeded Medicaid percentile caps was due to inefficient operation the matter was remanded to the Department of

Health with instructions that the Department should make specific findings of fact and conclusions of law with respect to the questions of whether nursing home was efficiently operated and to what extent its costs above the percentile cap were justified based solely upon the present evidentiary record, without the taking of any new or additional evidence. *Idaho City Nursing Home v. Department of Health*, 124 Idaho 116, 856 P.2d 1283 (1993) decision under former § 67-5215.

DECISIONS UNDER PRIOR LAW**ANALYSIS**

In general.

Agency.
 Appeals.
 Application.

zoning change including the initial application, applicants conceded that their rights under the first application were never placed in issue during the 1985 proceedings because the county had made it clear it had expected them to proceed under the 1984 ordinance and the record demonstrated the county considered initial application as void, it was unnecessary for applicants to exercise an act of futility by reasserting their rights under the initial application during the proceedings under the 1984 application and thus the ques-

tions relating to the first application were properly preserved for an appeal. *Soloaga v. Bannock County*, 119 Idaho 678, 809 P.2d 1157 (Ct. App. 1990).

—**Aggrieved Person.**

A municipality or town was deemed to be an "aggrieved person" within the meaning of former law when appealing a decision of its zoning appeals board. *City of Burley v. McCaslin Lumber Co.*, 107 Idaho 906, 693 P.2d 1108 (Ct. App. 1984).

67-5271. Exhaustion of administrative remedies. — (1) A person is not entitled to judicial review of an agency action until that person has exhausted all administrative remedies required in this chapter.

(2) A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency action would not provide an adequate remedy. [I.C., § 67-5271, as added by 1992, ch. 263, § 43, p. 783.]

Sec. to sec. ref. Sections 67-5271 through 67-5270 are referred to in § 67-5270.

This section is referred to in § 67-5273.

67-5272. Venue — Form of action. — (1) Except when required by other provision of law, proceedings for review or declaratory judgment are instituted by filing a petition in the district court of the county in which:

- (a) the hearing was held; or
- (b) the final agency action was taken; or
- (c) the aggrieved party resides or operates its principal place of business in Idaho; or
- (d) the real property or personal property that was the subject of the agency decision is located.

(2) When two (2) or more petitions for judicial review of the same agency action are filed in different counties or are assigned to different district judges in the same county, upon motion filed by any party to any of the proceedings for judicial review of the same agency action, the separate consideration of the petitions in different counties or by different district judges shall be stayed. The administrative judge in the judicial district in which the first petition was filed, after appropriate consultation with the affected district judges and the affected administrative judges, shall then order consolidation of the judicial review of the petitions before one (1) district judge in one (1) county in which a petition for judicial review was properly filed, at which time the stay shall be lifted. [I.C., § 67-5272, as added by 1992, ch. 263, § 44, p. 783; am. 1995, ch. 270, § 4, p. 868.]

Compiler's notes. Section 3 of S.L. 1995, ch. 270 is compiled as § 67-5250.

67-5273. Time for filing petition for review. — (1) A petition for judicial review of a final rule may be filed at any time, except as limited by section 67-5231, Idaho Code.

the first application were
ed for an appeal. *Soloaga v.*
119 Idaho 678, 809 P.2d
990).

erson.
or town was deemed to be an
n" within the meaning of
appealing a decision of its
board. *City of Burley v.*
r Co., 107 Idaho 906, 693
p. 1984).

ies. — (1) A person is
until that person has
is chapter.
cy action or ruling is
cy action would not
led by 1992, ch. 263.

ferred to in § 67-5273.

pt when required by
ratory judgment are
e county in which:

pal place of business

s the subject of the

of the same agency
to different district
party to any of the
ction, the separate
by different district
judicial district in
isultation with the
judges, shall then
ons before one (1)
udicial review was
I.C., § 67-5272, as
§ 4, p. 868.]

(1) A petition for
cept as limited by

(2) A petition for judicial review of a final order or a preliminary order that has become final when it was not reviewed by the agency head or preliminary, procedural or intermediate agency action under section 67-5271(2), Idaho Code, must be filed within twenty-eight (28) days of the issuance of the final order, the date when the preliminary order became final, or the issuance of a preliminary, procedural or intermediate agency order, or, if reconsideration is sought, within twenty-eight (28) days after the decision thereon. A cross-petition for judicial review may be filed within fourteen (14) days after a party is served with a copy of the notice of the petition for judicial review.

(3) A petition for judicial review of a final agency action other than a rule or order must be filed within twenty-eight (28) days of the agency action, except as provided by other provision of law. The time for filing a petition for review shall be extended during the pendency of the petitioner's timely attempts to exhaust administrative remedies, if the attempts are clearly not frivolous or repetitious. A cross-petition for judicial review may be filed within fourteen (14) days after a party is served with a copy of the notice of the petition for judicial review. [I.C., § 67-5273, as added by 1992, ch. 263, § 45, p. 783; am. 1993, ch. 216, § 110, p. 587; am. 1995, ch. 270, § 5, p. 868.]

Compiler's notes. Sections 109 and 111 of
S.L. 1993, ch. 216 are compiled as §§ 67-5252
and 67-6519, respectively.

67-5274. Stay. — The filing of the petition for review does not itself stay the effectiveness or enforcement of the agency action. The agency may grant, or the reviewing court may order, a stay upon appropriate terms. [I.C., § 67-5274, as added by 1992, ch. 263, § 46, p. 783.]

67-5275. Agency record for judicial review. — (1) Within forty-two (42) days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the agency record. The agency record shall consist of:

- (a) the record compiled under section 67-5225, Idaho Code, when the agency action was a rule;
- (b) the record compiled under section 67-5249, Idaho Code, when the agency action was an order; or
- (c) any agency documents expressing the agency action when the agency action was neither an order nor a rule.

(2) By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs.

(3) The court may require corrections to the record. [I.C., § 67-5275, as added by 1992, ch. 263, § 47, p. 783.]

67-5276. Additional evidence. — (1) If, before the date set for hearing, application is made to the court for leave to present additional evidence and it is shown to the satisfaction of the court that the additional evidence is material, relates to the validity of the agency action, and that:

- (a) there were good reasons for failure to present it in the proceeding before the agency, the court may remand the matter to the agency with directions that the agency receive additional evidence and conduct additional factfinding.
- (b) there were alleged irregularities in procedure before the agency, the court may take proof on the matter.
- (2) The agency may modify its action by reason of the additional evidence and shall file any modifications, new findings, or decisions with the reviewing court. [I.C., § 67-5276, as added by 1992, ch. 263, § 48, p. 783.]

67-5277. Judicial review of issues of fact. — Judicial review shall be conducted by the court without a jury. Unless otherwise provided by statute, judicial review of disputed issues of fact must be confined to the agency record for judicial review as defined in this chapter, supplemented by additional evidence taken pursuant to section 67-5276, Idaho Code. [I.C., § 67-5277, as added by 1992, ch. 263, § 49, p. 783.]

Cited in: *Jefferson County v. Eastern Idaho Regional Medical Ctr.*, — Idaho —, 883 P.2d 1084 (Ct. App. 1994).

67-5278. Declaratory judgment on validity or applicability of rules. — (1) The validity or applicability of a rule may be determined in an action for declaratory judgment in the district court, if it is alleged that the rule, or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the petitioner.

(2) The agency shall be made a party to the action.

(3) A declaratory judgment may be rendered whether or not the petitioner has requested the agency to pass upon the validity or applicability of the rule in question. [1965, ch. 273, § 7, p. 701; am. and redesign. 1992, ch. 263, § 50, p. 783.]

Compiler's notes. This section was formerly compiled as § 67-5207 and was amended and redesignated as § 67-5278 by § 50 of S.L. 1992, ch. 263, effective July 1, 1993.

Cited in: *Idaho Falls Consol. Hosps. v. Board of County Comm'rs*, 104 Idaho 628, 661 P.2d 1227 (1983).

ANALYSIS

Compliance with § 39-418.

Jurisdiction.

Right to challenge rules.

Compliance with § 39-418.

The remedies of this section are not available after a final determination of the Board unless the provisions of § 39-418 are strictly complied with; § 39-418 dictates the exclusive procedure for appeal or review of a final board decision unless the procedure fails to provide an adequate remedy. *Lindstrom v. District Bd. of Health*, 109 Idaho 956, 712

P.2d 657 (Ct. App. 1985).

Jurisdiction.

Where no final determination of the District Board of Health was involved, the Board did not raise the question of whether the action for declaratory relief was timely filed before the district court, the parties essentially agreed upon the facts, evidence was adduced in the district court for determination of one disputed factual issue, and neither party had challenged any of the court's findings, the district court had jurisdiction under § 39-417 to engage in the review authorized by this section. *Lindstrom v. District Bd. of Health*, 109 Idaho 956, 712 P.2d 657 (Ct. App. 1985).

Right to Challenge Rules.

While an applicant has no proprietary "right" to a license before it is duly issued, it will not be gainsaid that she has a "right" to consideration of her application under valid legal standards; this right was sufficient to

t it in the proceeding
ter to the agency with-
nce and conduct addi-

before the agency, the

ne additional evidence
decisions with the
h. 263, § 48, p. 783.]

idicial review shall be
e provided by statute,
nfinied to the agency
er, supplemented by
'6, Idaho Code. [I.C.,

r applicability of
be determined in an
it is alleged that the
airs, or threatens to
of the petitioner.

or not the petitioner
applicability of the
lesig. 1992, ch. 263,

85).

ermination of the Dis-
was involved, the Board
estion of whether the
relief was timely filed
urt, the parties essen-
ie facts, evidence was
t court for determina-
tual issue, and neither
any of the court's find-
had jurisdiction under
the review authorized
rom v. District Bd. of
712 P.2d 657 (Ct. App.

rules.

has no proprietary
re it is duly issued, it
at she has a "right" to
plication under valid
ght was sufficient to

confer standing to challenge a rule. *Rawson v.*
Idaho State Bd. of Cosmetology, 107 Idaho
1037, 695 P.2d 422 (Ct. App. 1985).

67-5279. Scope of review — Type of relief. — (1) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

(2) When the agency was not required by the provisions of this chapter or by other provisions of law to base its action exclusively on a record, the court shall affirm the agency action unless the court finds that the action was:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure; or
- (d) arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(3) When the agency was required by the provisions of this chapter or by other provisions of law to issue an order, the court shall affirm the agency action unless the court finds that the agency's findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) not supported by substantial evidence on the record as a whole; or
- (e) arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, agency action shall be affirmed unless substantial rights of the appellant have been prejudiced. [I.C., § 67-5279, as added by 1992, ch. 263, § 51, p. 783.]

Compiler's notes. Section 52 of S.L. 1992, ch. 263 contained a repeal and § 53 is compiled as § 67-5291.

Cited in: *Jefferson County v. Eastern Idaho Regional Medical Ctr.*, — Idaho —, 883 P.2d 1084 (Ct. App. 1994).

Substantial Evidence.

Where other than an advertisement in a local newspaper and a general survey sent to psychologists on current rates, health care

provider presented no other documentation of its efforts to seek the services of a qualified consultant at a medicaid allowable rate, there was substantial, competent evidence to support the hearing officer's finding that health care provider did not make sufficient effort to meet the Medicaid requirements. *Boise Group Homes, Inc. v. State Dep't of Health & Welfare*, 123 Idaho 908, 854 P.2d 251 (1993).

67-5280 — 67-5290. [Reserved.]

67-5291. Legislative review of adopted rules. — The standing committees of the legislature may review adopted rules which have been published in the bulletin or in the administrative code. If reviewed, the standing committee which reviewed the rules shall report to the membership of the body its findings and recommendations concerning its review of the rules. If ordered by the presiding officer, the report of the committee shall be printed in the journal. A concurrent resolution may be adopted

November 20, 1995

RECEIVED

NOV 24 1995

OCCUPATIONAL LICENSES

State of Idaho board of Architectural Examiners
Bureau of Occupational Licenses
Owyhee Plaza
1109 Main Street
Suite 220
Boise, Idaho 83702-5642

Attn: Kay C. Manweiler
Deputy Attorney General
Ronald D. Bevans, Chairman
Idaho Board of Architectural Examiners

Re: **Notice of Intent to Appeal**
Request for Information
Terry Edwin Friis, Lic. No. AR-868
Case No. Ar-01-93-012

Dear Ms. Manweiler & Mr. Bevans:

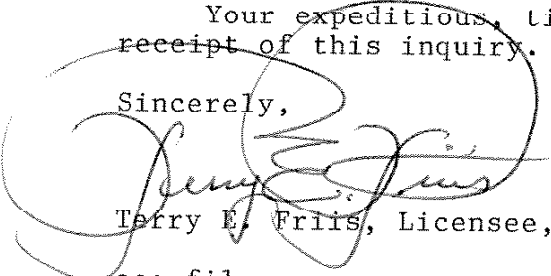
Pursuant to the above referenced case, please be advised that I am in receipt of your correspondence of 11/9/95, including the Order on Petition for Reconsideration, dated 11/8/95.

I intend to appeal this matter to the appropriate court and am requesting you forward all applicable Idaho State Codes and the county of jurisdiction, as well as the appropriate forms necessary to complete the prescribed formal request for appeal.

The information outlined in your letter is inconsistent with Washington State policy and procedure, and, for this reason, I am compelled to ask that you provide specific, claritory information concerning the appeal process in this case.

Your expeditious, timely reply will be anticipated upon receipt of this inquiry.

Sincerely,



Terry E. Friis, Licensee, Appeallant

cc: file
attorney



STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES

RECEIVED

JUN 14 1994

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642
(208) 334-3233
FAX (208) 334-3945

June 7, 1994

James D. McLaughlin
Post Office Box 479
Sun Valley, ID 83353

Re: Terry E. Friis
License No. AR-868

Dear Jim:

Enclosed you will find the original Consent Order which was adopted during the Board's recent telephone conference. Please sign and date it on Page 3 and return it to the undersigned.

If you have any questions in this regard, please don't hesitate to call. Hope you enjoy the Dearborn Convention, I'm looking forward to hearing the latest from NCARB.

Sincerely,

Kay C. Manweiler
Deputy Attorney General

kcm
enclosure: Consent Order

EQUAL OPPORTUNITY EMPLOYER



STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642
(208) 334-3233
FAX (208) 334-3945

June 7, 1994

James D. McLaughlin
Post Office Box 479
Sun Valley, ID 83353

Re: Terry E. Friis
License No. AR-868

Dear Jim:

Enclosed you will find the original Consent Order which was adopted during the Board's recent telephone conference. Please sign and date it on Page 3 and return it to the undersigned.

If you have any questions in this regard, please don't hesitate to call. Hope you enjoy the Dearborn Convention, I'm looking forward to hearing the latest from NCARB.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay C. Manweiler", written over a circular stamp or seal.

Kay C. Manweiler
Deputy Attorney General

kcm
enclosure: Consent Order

U This was in the
CDA Press this
morning. I believe
Mr. Friis is licensed
as an architect
in our state. I believe
that if he is licensed
this accusation should
be "tracked" by our
Board for possible
review of his status
as a licensed architect,
should he be convicted.

CJB,

P.S. Please share this
w/ Carmen / Kaye / &
Neal Kolbo.

AR-868 current license JKW.

□ FRIIS ACCUSED OF FORGERY, THEFT

SPOKANE — The man
hired to oversee East
Valley School District con-
struction projects has
been arrested for using
forged documents to buy
two vehicles for himself.

Terry E. Friis, 45, remained
in the Spokane County Jail
on Tuesday in lieu of \$50,000
bail. He was arrested and
held.

FOR FRIIS investi-
COMPLAINT of first-
FIVE

AR-93-12 Kay lion
nicolo has the 525 projects
file Valley School
District in the city's east-
ern suburbs.

Friis is accused of steal-
ing \$3,675 from the district
by submitting forged
county building permits
for reimbursement,
Spokane County Sheriff's
Lt. Dick Lovejoy said.

The money and forged
school district letters and
vouchers were used to buy
two Jeeps from a car deal-
er, Lovejoy said. Deputies
recovered two vehicles,
worth about \$50,000, that
Friis charged to the district.

East Valley
Superintendent Chuck
Stocker said he would
temporarily take over
supervision of the middle-
school expansion projects.



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL
Statehouse, Room 210
BOISE 83720-1000

LARRY ECHOHAWK
ATTORNEY GENERAL

Telephone: (208) 334-2400
Fax: (208) 334-2530

Criminal Law Division
Fax: (208) 334-2942

Natural Resource Division
Fax: (208) 334-2690

May 9, 1994

Terry E. Friis
East 11923 21st
Spokane, WA 99206

Re: Idaho State Board of Architects

Dear Mr. Friis:

It has come to the attention of the Idaho State Board of Architects that your license to practice as a licensed architect in the state of Washington has been revoked for a period of not less than 8 (eight) years for your 1989 felony conviction in United States District Court for the Eastern District of Washington for making a false statement on a loan application and your 1991 convictions in Spokane County Superior Court for one count of Second Degree Theft and two counts of First Degree Theft.

Idaho Code § 54-305(1)(d) provides that the Board may suspend or revoke the license of an architect for the conviction of a felony or a misdemeanor which misdemeanor involved a violation of title 54, chapter 3, Idaho Code, a willful violation of state or local buildings codes, or a violation of other laws relating to public health and safety which were committed in the course of practicing architecture. This letter is to notify you that the Board intends to commence disciplinary action for the suspension or revocation of your license to practice as a licensed architect in the state of Idaho for the above referenced convictions.

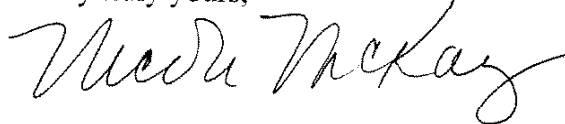
At this point you may choose to set the case for a hearing on the above referenced convictions or stipulate to the revocation of your license through a Consent Order. A Consent Order is enclosed if you wish to expedite the resolution of this matter by entering

Terry E. Friis
May 9, 1994
Page - 2

into a stipulation with the Board. If I do not receive the signed Consent Order or hear from either you or your attorney by May 23, 1994, I will assume you contest the above referenced convictions and will set the case for a formal hearing before the Idaho State Board of Architects.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nicole McKay", written in a cursive style.

NICOLE S. MCKAY
Deputy Attorney General

NSM:lw
\\L4122BMB

BEFORE THE IDAHO STATE BOARD OF ARCHITECTS

In the Matter of	)	Case No. AR-01-93-012
)	
Terry B. Friis,	)	CONSENT ORDER
License No. AR-868,)	
)	
Respondent.)	
<hr style="border: 0.5px solid black;"/>		

\P4122BMA

COMES NOW the Idaho State Board of Architects (hereinafter "Board"), represented by Nicole S. McKay, and licensee, Terry B. Friis (hereinafter "Respondent"), and stipulate as follows:

**I.
STIPULATION**

1. The Idaho State Board of Architects has jurisdiction over Respondent and the subject matter herein pursuant to Idaho Code § 54-313.
2. Respondent is a licensee of the Board and holds license no. AR-868 to practice as a licensed architect in the state of Idaho.
3. In 1989 Respondent was convicted of a felony in the United States District Court for the Eastern District of Washington for providing a false statement on a loan application.
4. In 1991 Respondent was convicted in Spokane County, Superior Court, on one count of second degree theft and two counts of first degree theft.
5. On approximately April 12, 1993, the Washington State Board of Registration for Architects revoked Respondent's certificate of registration to practice as an architect in the state of Washington for a period of not less than eight (8) years based upon Respondent's 1989 and 1991 convictions.

6. That pursuant to Idaho Code § 54-305(1)(d), the Board has the authority to revoke a license to practice architecture in the state of Idaho for the conviction of a felony or a misdemeanor, which misdemeanor involved a violation of title 54, chapter 3, Idaho Code, a willful violation of state or local building codes, or a violation of other laws relating to public health and safety which were committed in the course of practicing architecture.

7. That Respondent wishes to expedite the resolution of this matter by entering into this Consent Order with the Board and does not desire to proceed to a formal hearing based upon his 1989 and 1991 convictions.

8. Respondent is fully apprised that he has the right to have a full and complete hearing pursuant to the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of architecture in the State of Idaho, and hereby voluntarily waives such right.

9. This stipulation and the following order are not binding unless and until they are accepted by the Board. If rejected, the Board shall not be precluded in any fashion, due to the presentation of this stipulation and Consent Order, from otherwise hearing and making a decision on the convictions delineated herein.

II. AGREED ORDER

Respondent stipulates and agrees to the following terms and conditions:

1. That Respondent's license to practice as a licensed architect in the state of Idaho is revoked for a period of not less than seven (7) years from the date of notification to Respondent of the Board's acceptance of this Consent Order.

2. That at the end of the period of revocation, Respondent may apply to the Board for licensure as a new applicant, pursuant to the following conditions:

A. Respondent appear before the Board and respond to any questions.

B. The Board may impose additional conditions after questioning Respondent.

C. The Board may require Respondent to retake and pass all or part of the architecture licensure examination.

3. The Board shall not be precluded from investigating any complaints or allegations regarding violations of this Consent Order, laws or rules regarding the Idaho State Board of Architects in the State of Idaho, or otherwise exercising its responsibilities under title 54, chapter 3, Idaho Code, except that the alleged violations referenced herein shall be handled in accordance with the terms of this stipulation and Consent Order.

I have read the above stipulation fully and have discussed it with my counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I also understand that by its terms the Idaho State Board of Architects will issue an Order on this stipulation whereby my license to practice architecture will be revoked, subject to the above delineated terms and conditions. I agree to the above stipulation for settlement.

DATED this ____ day of May, 1994.

Terry B. Friis
Respondent

Pursuant to Idaho Code § ____, the foregoing is adopted as the decision of the Board of Architects in this matter and shall be effective on the ____ day of May, 1994, **IT IS SO ORDERED.**

IDAHO STATE BOARD OF ARCHITECTS

By _____

Chairman

MEMORANDUM

TO: THE FILE
FROM: NSM *NSM*
SUBJECT: TERRY FRIIS
CC: SCREENING PANEL
DATE: April 22, 1994

I have reviewed the file of Terry Friis, architect, and found the following convictions in Washington:

05-12-89

Friis pled guilty in federal court (Eastern District of Washington) of making a false statement on a loan application in 1985, and sentenced four weekends in a jail facility and five years probation. More specifically, he was charged with making a false statement by overvaluing real property for the purpose of obtaining a loan from Seattle First National Bank.

04-29-91

Friis pled guilty in Spokane Superior Court to three counts of felony theft (one count second degree and two counts first degree). Three additional counts of felony theft were dismissed. Friis was sentenced to 120 days; credit for 97 served. Probation ended for this conviction on 05/24/92.

04-12-93

The Washington State Board of Registration for Architects accepted a stipulated agreement with Friis wherein Friis agreed that his license would be revoked for a period of not less than eight years, until May 21, 2001.

Idaho Code § 54-305(1)(d) provides in pertinent part:

1. The board may refuse to grant, or may temporarily suspend or otherwise restrict a license to practice architecture in this state for a period not to exceed two (2) years, or may revoke a license, upon any one (1) of the following grounds:

...

d. The conviction, finding of guilt, receipt of a withheld judgment or suspended sentence in this or any other state for a felony or a misdemeanor, which misdemeanor involved a violation of the provisions of this act, a willful violation of state or local building codes, or a violation of other laws relating public health and safety and which were committed in the course of practicing architecture.

...

Pursuant to Idaho Code § 54-305, the Idaho State Board of Architecture has grounds for the imposition of discipline against Terry Friis' license to practice as a licensed architect in the State of Idaho for the above referenced convictions in Washington. It is not necessary to wait for a judgment on the pending charges against Friis in Washington; the Board has

sufficient grounds with his previous convictions. I recommend that the information be presented to the Board either in the form of a complaint or consent order for review.



STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642
(208) 334-3233
FAX (208) 334-3945

MEMORANDUM

DATE: November 17, 1993

TO: File AR-01-93-012 - Terry E. Fries AR-868

FROM: Joseph C. Coburn, *JCC* Supervising Investigator

SUBJECT: Disciplinary Action by Washington Board of
Regulation for Architects

On November 3, 1993 this investigator requested records of Washington Architect Board with reference to disciplinary action taken by the Board against Terry Fries Washington Architect License. Attached are documents received November 17, 1993 at the Bureau of Occupational Licenses under cover letter of James D. Hanson, Program Administrator.

EQUAL OPPORTUNITY EMPLOYER

STATE OF IDAHO
BUREAU OF OCCUPATIONAL LICENSES

INVESTIGATIVE REPORT

DATE OF REPORT:
April 6, 1994

FILE NUMBER OR TITLE:
Terry Friis, AR-868

PREPARED BY:
Robert L. Jones

SUBJECT:
Criminal charges

SYNOPSIS: On April 6, 1994 I contacted the Spokane County Superior Court Clerk's Office in reference to the trial of Architect Terry Friis. I was told that Mr. Friis' trial, on four counts of first degree theft, had been continued to July 11, 1994.

DETAILS: On April 6, 1994 I contacted the Spokane County Superior Court Clerk's Office (Tel. #(509)456-2211) in reference to the trial (previously continued to March 28, 1994) of Architect Terry Friis. I was told that Mr. Friis' trial, on four counts of first degree theft (case number 931017651) had been continued to July 11, 1994. I will continue to monitor the case to determine the disposition of the charges against Mr. Friis.

STATE OF IDAHO
BUREAU OF OCCUPATIONAL LICENSES

INVESTIGATIVE REPORT

DATE OF REPORT:
January 21, 1994

FILE NUMBER OR TITLE:
Terry Friis, AR-888

PREPARED BY:
Robert L. Jones

SUBJECT:
Criminal charges

SYNOPSIS: On January 20, 1994 I spoke with Spokane County Sheriff Officer Gary Smith in reference to the trial of Architect Terry Friis. Officer Smith told me that Mr. Friis' trial, on four counts of first degree theft, had been continued to March 28, 1994.

DETAILS: On January 20, 1994 I spoke with Spokane County Sheriff Officer Gary Smith (Tel.#(509)456-4760) in reference to the trial (scheduled for January 10, 1994) of Architect Terry Friis. Officer Smith told me that Mr. Friis' trial, on four counts of first degree theft in the State of Washington, had been continued to March 28, 1994. I will contact Officer Smith after March 28th to determine the disposition of the charges against Mr. Friis.

*Place
in file*

*CW
1/25*



STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642
(208) 334-3233
FAX (208) 334-3945

November 3, 1993

James Hanson
Department of Licensing
Architect Registration
P O Box 9045
Olympia, WA 98507-9045

Re: Revocation of Architect License of Terry E. Friis

Dear Mr. Hanson:

Pursuant to our phone conversation of November 2, 1993, as Supervising Investigator for the Bureau of Occupational Licenses/Idaho State Board of Architectural Examiners, I am requesting certified copies of the investigative report and disciplinary action taken by the Washington Board of Architects against the license of Terry E. Friis.

Mr. Friis at this time holds AR-868 in the state of Idaho. The Architect Board is requesting the aforementioned documents for possible action against Mr. Friis' Idaho architect license.

I appreciate your cooperation in this matter and extend my thanks for your efforts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph C. Coburn".

Joseph C. Coburn
Supervising Investigator
Bureau of Occupational Licenses

JCC/dar

EQUAL OPPORTUNITY EMPLOYER

This was in the
CDA Press this
morning. I believe
Mr. Friis is licensed
as an architect
in our state. I believe
that if he is licensed
this accusation should
be "tracked" by our
Board for possible
review of his status
as a licensed architect,
should he be convicted.

CJB,

P.S. Please share this
w/ Carmen / Kaye / &
Neal Kolbo.

AR-868 current license JKW.

□ FRIIS ACCUSED OF FORGERY, THEFT

SPOKANE — The man hired to oversee East Valley School District construction projects has been arrested for using forged documents to buy two vehicles for himself.

Terry E. Friis, 45, remained in the Spokane County Jail on Tuesday in lieu of \$50,000 bail. He was arrested and booked Monday for investigation of four counts of first-degree theft.

Friis was hired in July to supervise \$3.2 million worth of building projects in the East Valley School District in the city's eastern suburbs.

Friis is accused of stealing \$3,675 from the district by submitting forged county building permits for reimbursement, Spokane County Sheriff's Lt. Dick Lovejoy said.

The money and forged school district letters and vouchers were used to buy two Jeeps from a car dealer, Lovejoy said. Deputies recovered two vehicles, worth about \$50,000, that Friis charged to the district.

East Valley Superintendent Chuck Stocker said he would temporarily take over supervision of the middle-school expansion projects.